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THE

SPEECHES

OF THE

RIGHT HONOURABLE

HENRY GRATTAN.

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THE

SPEECHES

OF THE

RIGHT HONOURABLE

HENRY GRATTAN,

IN THE IRISH,

AND

IN THE IMPERIAL PARLIAMENT.

27003

EDITED BY HIS SON.

IN FOUR VOLUMES.

VOL. II.

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SPEECHES

OF THE

RIGHT HONOURABLE

HENRY GRATTAN,

&c. &c.

RIOT BILL.—TUMULTUOUS ASSEMBLIES.

THE ATTORNEY-GENERAL (MR. FITZGIBBON) MOVES THE SECOND READING OF THE BILL TO PREVENT TUMULTUOUS RISINGS.

February 19. 1787.

ON the 13th, the Attorney-general (Mr. Fitzgibbon) presented to the House a bill to prevent tumultuous risings and assemblies; and for the more effectual punishment of persons guilty of outrage, riot, and illegal combinations, and the administering and taking unlawful oaths. The bill was received, and read a first time. Mr. John Wolfe strongly opposed it. He conceived it to be so hostile to the liberties of the people, that every man should raise his voice, and almost wield his sword against it. Mr. Curran likewise strongly opposed it. On this day, the bill was ordered to be read a second time. When the clerk came to the clause empowering magistrates to demolish any Roman Catholic meeting-house at which tumultuous assemblies shall be held, or where unlawful oaths shall be administered, this passage was strongly objected to.

Mr. GRATTAN said: Sir, it is impossible to hear that bill read, or the question put on the committal of it, without animadversion. I agree that the south should be coerced. If the populace or peasantry of that district have thought proper to invade personal security, and lay the foundation of undermining their own liberties; if they have resorted to the exercise of torture as relief for poverty, I lament their savage infatuation, and I assent to their punishment. I assent to it with

shame; I blush at the cast of lawlessness thrown on the country, and I lament the necessity of a strong measure, the natural result of shabby mutiny and abortive rebellion.

This is not the first time I have had occasion to express my concern at certain excesses of some part of our fellow-subjects. See the fruit of those excesses! see the glorious effect of their labour! a riot act aggravated! a riot act general and perpetual! Evils which it was chance to foresee, it becomes now my duty to mitigate.

I will agree to the strengthening the powers of the civil magistrate with a certain limitation; I would enable the magistrate to disperse such meetings as are notoriously for illegal purposes; and I will agree that it is proper not to admit persons to bail who had refused to disperse, as it could only furnish them with an opportunity of repeating their transgressions. I will agree that the persons who dug graves, provided gibbets, and the like, should be punished capitally; for those who made torture their amusement, and practised such inexorable barbarity, I think merit death. I will also agree that there are several clauses in the riot act which it may be proper to adopt; but, in the very setting out of the bill, there is an evident departure from, and contradiction of, the riot act. The riot act stated, that if twelve or more persons, riotously, tumultuously, *and* unlawfully assembled, and refused to disperse, &c.; but this act stated, if persons, to the number of twelve or more, riotously, tumultuously, *or* unlawfully assembled. The former was copulative, the latter disjunctive; and the difference was, that if coming within any one of the descriptions tumultuous, riotous, *or* unlawful, felony would ensue, though in England, to constitute the crime, each must be alleged. And when there is a deviation from the riot act, I am very sorry to find it is not one founded in mildness and mercy, but one founded in severity. Another difference from the riot act is, that in England the proclamation is obliged to be read; but by this bill, nothing more was required of the magistrate than to command the rioters to disperse in the King's name. If they did not disperse in one hour, death was the consequence; and this I consider as putting *an hour glass* in the hand of time, to run a race against the lives of the people; and this is certainly a great objection.

Another objection is, that if a magistrate was stopped when repairing to the place of riot, the person who stopped him would be guilty of felony; that was, though the magistrate was resorting to an unlawful place, the person who obstructed him should be deemed to merit death. And if the persons did not disperse, if the magistrate was interrupted, the reckon-

ing of time was to commence from the moment of his obstruction; and should they continue one hour, they would be guilty of felony, and incur the punishment of death; that is, the interception of a magistrate at a distance, in this kingdom, was to be tantamount to the reading of a proclamation on the spot in England.

This I think one of the severest clauses that was ever brought forward or ever adopted. But even though this had been premised of the English riot act, the measure of their severity should not be a measure for the legislation of the House; if it should, it would be bad in principle, and worse in practice.

Another clause of the bill made it felony to write, print, publish, send, or carry any message, letter or notice, tending to excite insurrection; that is, that a man who shall write or print any letter or notice shall be guilty—of what? of felony! Like the Draconian laws, this bill had blood! blood!—felony! felony! felony! in every period and in every sentence.

Now, had this bill been law for some time past, what would be the situation of every man who printed a newspaper for the last nine months?

What would be the situation of every man who had written upon the subject of tithes? For, as the right of the clergy to tithes is acknowledged to be founded in law, and as the papers and writers have argued against them, what would be the consequence? Who could tell how their conduct might be construed in a court of law? or whether they might not be adjudged guilty of felony? I will not ask who would be guilty under such a law; but I will ask who would *not* be guilty?

A perpetual mutiny-bill had been once the law of the land, and yet gentlemen both spoke and wrote against it as dangerous, unconstitutional, and beyond the power of Parliament to sanction.

Had this bill been then law, they would have all been guilty of felony and suffered death. Who could tell in what manner the words "tending to excite disturbance" might be interpreted? The clause respecting the taking of arms and ammunition, or money to purchase them, bears a similarity to the White-Boy act; but the White-Boy act was more guarded. With respect to the clause which prostrates places of public worship, I consider it as casting a stain of impiety on the whole nation, and enjoining the magistrates to commit that very act of violence which is punished with death in the peasantry.

It is a revival of the penal laws, and that in the most dangerous and exceptionable part. I call upon gentlemen to

consider, that they had no charge against the Catholics to warrant this measure; to consider that they have not so much as cause for suspicion of them; to consider, if they were a Popish peasantry, they were actuated by no Popish motive; to consider, that public thanks have been returned to the principal person of the Catholic religion in this country, for his manly exertions to maintain the public peace, and to protect the rights of the established clergy; and I think if there be any thing sacred or binding in religion, it would operate successfully against the present measure; for it would cast a stigma on the Protestant religion.

I have heard of transgressors being dragged from the sanctuary, but I never heard of the sanctuary being demolished; it goes so far as to hold out the laws as a sanction to sacrilege. If the Roman Catholics are of a different religion, yet they have one common God, and one common Saviour, with gentlemen themselves, and surely the God of the Protestant temple is the God of the Catholic temple.

What then does the clause enact? that the magistrate shall pull down the temple of his God; and if it be rebuilt, and as often as it is rebuilt for three years, he shall again prostrate it, and so proceed in a repetition of his abominations, and thus stab the criminal through the sides of his God, — a new idea indeed! But this is not all; the magistrate is to sell by auction the altar of the Divinity to pay for the sacrilege that has been committed on his house. By preventing the chapel from being erected, I contend that we must prohibit the exercise of religion for three years; and that to remedy disturbance we resort to irreligion, and endeavour to establish it by act of Parliament. A commission of the peace might fall into the hands of a clergyman, and this clause first occasion him to preclude the practice of religion for three years, then involve him in vile abominations, and afterwards he must preach peace upon earth and good will towards men. With regard to the clause respecting the obstruction to the collection of tithes, I do not know how far it may be proper to go into the question of tithes; I conceive it would not be proper at all, if not generally. But since the clergy have, with such ability, shown their right to tithes by ecclesiastical and civil law, and that a resistance to the collection of that property under the laws was improper, the House will find itself in a strange predicament as to its own vote of agistment. If tithes were legal, the House, by that vote, certainly deprived the clergy of a great part of them.

I wish to have the clergy supported; I think the dignity of the country requires it; but as to making new laws for the

purpose, I think that part of another business. Perpetuity is another principle of the bill, and another objection to it. Would any man say that the coercion which might be necessary, from the turbulence of one period, would be requisite at all future times! Was it to be handed down an inheritance to posterity? Would they tell the provinces of Ulster, Leinster, and Connaught, that they would reward their tranquillity in the same manner they did the turbulence in the south? Was it to descend from the fathers to the children as a kind of original sin, and death, and felony, to be spread in every quarter? It was a fixed principle that the punishment should bear a proportion to the crime, but this was not attended to in the bill. Would any man say, that a man ought to be punished with death for writing or influencing persons, I will say, by threats or otherwise? I wish, if possible, to confine the operation of the bill to the offending counties, and contend, that if the bill is to pass in its present state (but that I believe to be impossible), I will venture to pronounce that it would be absolutely ineffectual; for the crime would be overshot, and the feelings of humanity would revolt at the punishment: it would indeed be the triumph of the criminal and the stigma of the laws. I desire to know whether it is meant to press the bill with all its clauses? whether it be intended to submit it to alteration?—If the former, I will oppose it in the first instance; if the latter should be acceded to, I will vote for the committal.

The bill was opposed by Mr. Stewart of Killymoon, Mr. Kearney, Mr. Curran, Mr. Hardy, Mr. Dunn, Mr. Michael Smith, and Mr. John Wolfe. They considered it an invasion of the constitution, and as tending to increase the influence of the Crown, it bore no analogy to the riot act in England, which was passed in times of insurrection and rebellion. The disturbances were greatly exaggerated. With respect to the clause regarding Roman Catholic chapels, it was monstrous, and wholly inadmissible. Mr. French, Mr. Gardiner, Mr. Brownlow, Mr. Moore, the Secretary of State (Mr. John Hely Hutchinson), Mr. Forbes, Mr. Browne (of the college), supported the bill. The Attorney-general (Fitzgibbon) stated, that he would not press the clause regarding Roman Catholic chapels. However, he would not relinquish the principle; and he thought, that if Popish meeting-houses were made places of combination, they ought to be prostrated. It was, however, understood that this clause would be omitted.

The House then divided for the committal;—Ayes 162, Noes 30; Majority in favour of the bill 132. Tellers for the Ayes, Right Honourable William Brownlow, Right Honourable Henry Grattan; tellers for the Noes, Mr. John Wolfe, Mr. James Stewart.

RIOT BILL.

February 20. 1787.

THE House went into a committee on the riot bill. The Attorney-general, adopting the suggestion of Mr. Grattan, moved to insert in the first clause the word *and* instead of the word *or*, — "That if any persons, to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled to the disturbance of the public peace, at or after the 25th of March, 1787, and being required or commanded, in the King's name, to disperse, by any one or more justice or justices of the peace, &c. &c. remaining so assembled for the space of one hour after such command, they shall be deemed felons, and suffer death as felons." Mr. John O'Neill moved an amendment, that after the words "March 25. 1787;" the words "in the counties of Cork, Kerry, Limerick, and Tipperary," should be inserted. Sir Edward Newenham, Mr. Corry, Major Doyle, Mr. Curran, and Mr Forbes, spoke in favour of the amendment. They said, the disturbances were local, and the remedy should be so likewise. The laws passed against the White-Boys and Hearts-of-Steel, in 1771 and 1772, were confined to a few counties. The part that related to the Roman Catholic chapels showed the character of the measure, which Major Doyle termed to be replete with persecution and bigotry: he alluded to a pamphlet published by a reverend prelate, which, he conceived, was a gross misrepresentation of the state of Ireland, a libel on her character, and a production full of bigotry. "Who could have thought," said Major Doyle, "that within five years from the glorious Revolution of 1782, toleration would stand in need of advocates? — a principle by the operation of which, directed by the ability, virtue, and public spirit of my right honourable friend upon the floor (Mr. Grattan), this revolution was accomplished. I will say, that by toleration alone Ireland can continue free and independent; by being united, you recovered your constitution. Suffer yourselves to be disunited, and you will recover your chains."

Mr. Forbes quoted that passage from Sir William Blackstone, where he says, that the English riot act was a vast acquisition of power to the Crown, and mentions, as in some degree a counterbalance, the different acts to restrain the undue influence of the Crown, passed since the Revolution; — the Bill of Rights; the act to exclude placemen and pensioners from the House of Commons; the act for limiting the civil list; the Nullum Tempus act; the act to prevent revenue officers from voting at elections; to exclude contractors from the House of Commons; and to limit the pension list. He then observed, not one of such acts are to be found on the Irish statute-book; how then can gentlemen reconcile it to themselves to increase the power of the Crown, without enacting

any of those laws which the wisdom of the English legislature had provided in that country.

The amendment was opposed by Mr. Connolly, Sir Hercules Langrishe, Mr. Serjeant Toler, Mr. Denis Daly, Sir Frederick Flood, Mr. Browne, the Attorney-general, and the Secretary of State. They contended, that the disturbed state of the south and west called for such a law; the tumultuous meetings and nightly outrages had arisen to an alarming height; and the clergy could not get their tithes.

Mr. GRATTAN said: I do not wish to prolong the debate on this amendment; it has taken up too much time already. It is fair to suggest amendments, though not always proper to press them; all I say with respect to the present amendment is, that the idea of it is not liable to the charge of absurdity, with which gentlemen have loaded it. I stated yesterday that the bill with all its other objections was universal and perpetual, the removal of the other objections, by the concessions of last night, and the agreeing to limit the duration of the bill, does in a great degree diminish the objection to its universality, and make it a matter of much less moment.

However, the idea is not that absurdity which gentlemen have conceived. You acknowledge this bill to be a measure founded on the excesses of a part of the kingdom, and to be a very strong measure of coercion for those partial excesses, not a penal code for the nation; but a temporary occasional act of terror applicable only to a particular part of it; on that principle the idea of its restriction to that region of excess which made it necessary, is not absurd in conception, nor would it be so in consequence; for if the terror of this law shall drive the insurgents of the south to the north, as is supposed, it will have had part of its effect; it will have dispersed the insurgents of the south, and have prevented the repetition of their crimes, and unless you think that the crime is transitory, and that men in the north can burn churches in the south, and confederate against the tithe of the southren clergy, these insurgents, so dispersed, will probably be taken, sent back to their country, and executed under the law; there is therefore no absurdity in the consequence of this idea, nor do I see that it is unprecedented. You have, in the act relative to the Hearts-of-Steel, made a law penal and local, not only changing the venue in four northern counties, but altering the nature of certain offences which have or *shall* be committed in those counties. Gentlemen reprobate this act; *yes;* but here is that precedent which you denied to exist; *a partial* penal law for which most of you voted. I do not mean to justify all the principles of that law, but I will say, the locality

was the best part of it. So much with respect to an amendment, which, if carried, must be greatly extended, for it must go not only to the four counties named, but to the whole province of Munster, part of Leinster, and part of Connaught; so much for an amendment, which, if pressed and insisted in, I shall vote for; though I see no reason for a division among gentlemen on the subject, or pressing it any further. But though the amendment should be given up, I shall vote for the clause without it. I think the times require something of this kind. The debate to-night has shown it, and the state of the country calls for it. Better, perhaps, restrain the extent of a measure of coercion; but, at all events, a measure of coercion is necessary.

The question was then put on the amendment of Mr. O'Neill, and the committee divided; — Ayes 43, Noes 176; Majority against the amendment 33.

TITHES.

MR. GRATTAN PROPOSES HIS RESOLUTION RESPECTING TITHES.

March 13. 1787.

MR. GRATTAN had given notice, on a preceding day, that he intended to propose to the House a question regarding tithes; and on this day he brought forward his promised motion, and spoke nearly as follows:

Sir, In this session, we have, on the subject of tumults made some progress, though we have not made much. It has been admitted, that such a thing does exist, among the lower orders of people, as *distress*; we have condemned their violence, we have made provision for its punishment, but we have admitted also, that the peasantry are ground to the earth; we have admitted the fact of distress.

We have gone farther, we have acknowledged that this distress should make some part of our Parliamentary enquiry, —we have thought proper, indeed, to postpone the day, but we are agreed, notwithstanding, in two things, the existence of a present distress, and the necessity of a future remedy.

A multitude of particulars would be tedious, but there are some features so very striking and prominent, we cannot avoid the sight of them. Our present system of supporting the

clergy is liable to radical objections; in the south, it goes against the first principle of human existence; in the south, you tithe potatoes; would any man believe it? the peasant pays, I am informed, often 7*l.* an acre for land, gets 6*d.* a-day for his labour, and pays from eight to twelve shillings for his tithe; if the whole case was comprised in this fact, this fact is sufficient to call for your interference; it attacks cultivation in its cradle, and tithes the lowest, the most general, and the most compassionate subsistence of human life; the more severely felt is this, because it is chiefly confined to the south, one of the great regions of poverty; in Connaught potatoes do not pay tithe, in the north a moderate modus takes place when they do pay, but in the south they do pay a great tithe, and in the south you have perpetual disturbances. That the tithe of potatoes is not the only distress I am not now to be informed; 6*l.* or 7*l.* an acre for land, and 6*d.* a-day for labour, are also causes of misery; but the addition of eight, ten, or twelve shillings tithe, to the two other causes, is, and must be, a very great aggravation of that misery; and as you cannot well interfere in regulating the rent of land or price of labour, I do not see that you therefore should not interfere where you can regulate and relieve; I do not see why you should suffer a most heavy tithe to be added to the high price of rent and the low price of labour; neither am I sensible of the force of that supposition, which conceives a diminution of the tithe of potatoes would be only an augmentation of the rent, for I do not find that rent is higher in counties where potatoes are not tithed, nor can I see how an existing lease can be cancelled and the rent increased by the diminishing or taking off the tithe; neither do I see that similitude between tithe and rent which should justify the comparison; rent is payment for land, tithe is payment for capital and labour expended on land; the proportion of rent diminishes with the proportion of the produce, that is, of the industry; the proportion of tithe increases with the industry; rent, therefore, even a high rent, may be a compulsion on labour, and tithe a penalty: the cottier does pay tithe, and the grazier does not; the rich grazier, with a very beneficial lease, and without any system of husbandry, is exempted, and throws the parson on labour and poverty, the plough and the poor do not bear a proportion of the maintenance of the clergy, but are loaded with the whole weight; thus you tax industry and prohibit improvement, while you encourage idleness and grazing, which waste the land. As this is against the first principle of husbandry, so another regulation is against the first principle of manufacture; you tithe flax, rape, and hemp,

the rudiments of manufacture. Hence, in the north, you have no flax farmer, though there are many who cultivate flax; you give a premium for the growth of flax, a premium for the land-carriage and export of corn, and you give the parson the tithe of the land, labour, and cultivation occupied therein contrary to the prosperity of either; as far as you have settled you are wrong, and wrong where you have left unsettled. What is the tithe, is one question; what is titheable, is another. Claims have been made to the tithe of turf, the tithe of roots, moduses have been disputed, litigation has been added to oppression, the business has been ever shamefully neglected by Parliament, and has been left to be regulated, more or less, by the dexterity of the tithe-proctor and the violence of the parish, so that distress has not been confined to the people, it has extended to the parson; your system is not only against the first principle of human existence; against the first principle of good husbandry; against the first principle of manufacture; against the principle of public quiet; it goes also against the security and dignity of the clergy. Their case has been reduced to two propositions, that they are not supported by the real tithe or the tenths, and that they are supported by a degrading annual contract; the real tithe or tenth is, therefore, unnecessary for their support, for they have done without it, and the annual contract is improper by their own admission, and the interference of Parliament proper therefore. Certainly the annual contract is below the dignity of a clergyman.

The minds of the clergy in general are too honourable for such an employment; accordingly, advantage is taken by the illiberal; he is to make a bargain with the 'squire, the farmer, and the peasant, on a subject which they do, and he does not understand; the more his humanity and his erudition, the less his income; it is a situation where the parson's property falls with his virtues, and rises with his bad qualities. Just so the parishioner; he loses by being ingenuous, and he saves by dishonesty. The pastor of the people is made a spy on the husbandman; he is reduced to become the annual teazing contractor and litigant with a flock among whom he is to extend religion by his personal popularity; an agent becomes necessary for him, it relieves him in this situation, and this agent or proctor involves him in new odium and new disputes; the 'squire not seldom defrauds him, and he is obliged to submit in repose and protection, and to reprize on the cottier, so that it often happens that the clergyman shall not receive the thirtieth, and the peasant shall pay more than the tenth; the natural result this of a system which makes the parson de-

pendent on the rich for his repose, and on the poor for his subsistence; lenity to the rich and severity to the poor, his preaching must be peace, while his practice must be strife and this not from any fault in him, but in the law. I am sure the spirit of many clergymen, and the justice of many country gentlemen, resist such an evil in many cases; but the evil is laid in the law, which it is our duty and interest to regulate. From a situation so ungracious, from the disgrace and loss of making in his own person a little bargain with 'squires, farmers and peasants, of each and every description, and from non-residence, the parson is obliged to take refuge in the assistance of a character, by name a tithe-farmer, and by profession an extortioner; this extortioner becomes a part of the establishment of the church; by interest and situation there are two descriptions of men he is sure to defraud, the one is the parson and the other the people; he collects sometimes at 50 *per cent.* he gives the clergymen less than he ought to receive, and takes from the peasants more than they should pay; he is not an agent who is to collect a certain rent, he is an adventurer, who gives a certain rate for the privilege of making a bad use of an unsettled claim; this claim over the powers of collection, and what is teazing or provoking in the law, are in his hand an instrument not of justice but of usury; he sometimes sets the tithe to a second tithe-farmer, so that the land becomes a prey *to a subordination of vultures.*

In arbitrary countries the revenue is collected by men who farm it, and it is a mode of oppression the most severe in the most arbitrary country; the farming the revenue is given to the Jews; we introduce this practice in the collection of tithe, and the tithe-farmer frequently calls in aid of Christianity the arts of the synagogue; obnoxious on account of all this, the unoffending clergyman, thrown off the rich upon the poor, cheated most exceedingly by his tithe-farmer, and afterwards involved in his odium, becomes an object of outrage; his property and person are both attacked, and in both the religion and laws of your country, scandalized and disgraced. The same cause which produces a violent attack on the clergyman among the lowest order of the community, produces among some of the higher orders a langour and neutrality in defending him. Thus outraged and forsaken he comes to Parliament; we abhor the barbarity, we punish the tumult, we acknowledge the injury, but we are afraid of administering any radical or effectual relief, because we are afraid of the claims of the church; they claim *the* tenth of whatever by capital, industry, or premium, is produced

from land. One thousand men claim this; and they claim this without any stipulation for the support of the poor, the repair of the church, or even the residence of the preacher. Alarmed at the extent of such a claim, we conceive that the difficulty of collection, is our security, and fear to give powers which may be necessary for the collection of customary tithes lest the clergy should use those powers for the enforcing of a long catalogue of dangerous pretensions. We have reason for this apprehension; the last clause in the riot act has prompted a clergyman in the south to demand the tithe of agistment, and to attempt to renew a confusion which your act intended to compose. The present state of the clergyman is, that he cannot collect his customary tithe without the interference of Parliament, and Parliament cannot interfere without making a general regulation, lest any assistance now given, should be applied to the enforcement of dormant claims, ambitious and unlimited.

Thus I submit to this House the situation of the clergy as well as of the people; call on you to take up at large the subject of the tithe. You have two grounds for such an investigation; the distress of the clergy, and the distress of the people.

Against your interference three arguments are objected, two of which are fictitious, and one only is sincere. The sincere, but erroneous objection, is, that we ought not to affect in any degree the rights of the church; to which I answer briefly, that if, by the rights of the church, the customary tithes only are intended, we ought to interfere to give and secure the full profit of them; and if, by the rights of the church are meant those dormant claims I alluded to, we ought to interfere to prevent their operation.

Of the two arguments, that one on petitions relies on the impossibility of making any commutation; but this argument rather fears the change than the difficulty. This argument is surely erroneous, in supposing that the whole wit of man, in Parliament assembled, cannot, with all its ingenuity, find a method of providing for 900 persons. We who provide for so large a civil list, military list, pension list, revenue list, cannot provide for the church. What! is the discovery of the present income of the church an impenetrable mystery? Or is it an impossibility to give the same income but arising from a different regulation, fixing some standard in the price of grain; or if commutation be out of the power of human capacity, is this establishment of a modus impossible, different, perhaps, in the different countries, but practicable in all? or if not practicable, how comes it that there should be a modus

established in some parts of Ireland already for some tithable articles? Is it impossible to have a moderate modus on corn, and some modus on pasture? Or to lay on potatoes a very small modus, or rather to exonerate them as well as flax? Would it not be practicable to get rid of the tithe-farmer, and give his plunder between the people and the parson? If all this be a difficulty, it is a difficulty which is worthy of you, and if you succeed in any part of it you do service.

The other argument relies on the times; and I acknowledge they are an objection to the bill at present, but none against the laying the foundation now of a measure to take place on the restoration of public peace.

The meeting of the common people is partial, but the complaint is general; it is the complaint of the whole community; it is the complaint from the north to the south; and if it be the complaint of the insurgents, it is also the complaint of those gentlemen who have been most active to suppress them. This motion, therefore, may be an inducement to preserve that peace, it cannot be an incentive to the contrary; it is giving government the full force of reward and punishment, and I apprehend, if no step whatsoever was taken, and no debate introduced at present, nothing would be done in future. I have purposely refrained from mentioning some shameful acts of oppression which had given rise to tumult, though they could not apologize for it, it had been known that tithe-farmers had received sixteen shillings an acre when the parson had received but six. I have heard of tithe-proctors picketting poor men who could not pay their demands. I have been well assured that among that worthy set of characters, a good process server who could swear well was in great estimation, as by his means they were enabled to drive away poor people's cattle, without the trouble of any process at all; but I refrain from upholding to the House a picture which would strike every man with indignation. As to the method of giving redress, I do not mean in any degree to contract the living of the clergy, or to say that a want of moderation in them has caused the present complaints. I do not think it has; I think they are founded in the radical defect of the system established for their support, and in the rapaciousness of their agents; I do not mean then to deprive the clergy of the benefit of the growth of the land, or the growth of religion, but I wish to collect their revenue by a modus. In the next session of Parliament, I will introduce a plan that will go a great way in effecting this, and though perhaps it may not be altogether perfect, yet certainly it will be more perfect than the present

system. I shall, therefore, trouble you with a motion now, and next session with a bill.

He then moved the following resolution:

"That, if it shall appear, at the commencement of the next session of Parliament, that public tranquillity has been restored in those parts of the kingdom that have been lately disturbed, and due obedience paid to the laws, this House will take into consideration the subject of tithes, and endeavour to form some plan for the honourable support of the clergy, and the ease of the people."

The motion was seconded by Sir Henry Harstronge, and supported by Lord Edward Fitzgerald, Major Doyle, Mr. Todd Jones, Mr. Charles O'Neil, and Mr. Curran. Mr. Curran observed upon certain controversial publications between the Bishop of Cloyne (Dr. Woodward) and the Reverend Dr. O'Leary. He said, it is difficult and delicate to speak any thing on this subject, peculiarly so to me, who, I know, have been grossly misrepresented as an enemy to the rights of the church. I disclaim the charge. I respect the clergy. I will never hear of any attempt to injure their legal rights. I love their religion. There is only one religion under Heaven which I love more than the Protestant; but I confess there is one, the Christian religion. As the subject has been forced into the debate, I cannot help saying, that I think it incumbent on the House to show themselves untainted by the intolerant principles of certain publications. In doing so, I am persuaded they will perfectly concur with the respected author of one of them. I am satisfied, that good and pious man has long since regretted the precipitate publication of those hasty sentiments, and rejoiced that their natural tendency had been happily frustrated by the good sense of the public. But I see no reason for introducing the name of his adversary as a subject of censure in this House. Mr. O'Leary is a man of the most innocent and amiable simplicity of manners in private life. The reflection of twenty years in a cloister has severely regulated his passions, and deeply informed his understanding. As to his talents, they were public; and, I believe, his right reverend antagonist has found himself overmatched as a controversialist. In this instance, it was just that he should feel his superiority. It was the superiority, not of genius only, but of truth, of the merits of the respective causes. It was the superiority of defence over aggression. It was the victory of a man, seeing the miseries of his country, like a philosopher and a tolerating Christian, and lamenting them like a fellow-subject, obtained over an adversary who was unfortunately led away from his natural gentleness and candour, to see those miseries, and, of course, to represent them through a fallacious medium.

It was a victory in which, I am persuaded, the vanquished rejoiced, and of which the victor rather bewailed the occasion than exulted in the achievement. I am sorry that these subjects should

be introduced into a debate of this kind; but as they were, I think we should show the public that we were not inflamed against our fellow-subjects by that persecuting or suspicious spirit, which had been relinquished even by those that first caught and incautiously endeavoured to propagate the infection.

The motion was strongly opposed by Mr. Orde, Sir Hercules Langrishe, Mr. Bushe, Mr. George Ponsonby, Mr. Connolly, Major Hobart, Mr. Mason, and Sir Francis Hutchinson. They argued, that the time was improper; that this would be to capitulate with insurrection, and offer a reward for that obedience to the laws on which they had a right to insist.

Mr. GRATTAN replied: Sir, the subject has been agitated in such a variety of different ways, and opposed by so many gentlemen, that, even at this late hour of the night, I feel myself under the necessity of making some observations; and at the same time I assure the House, that nothing but a conviction of the propriety of the motion could make me resist the wishes of so many gentlemen, whom personally I love and respect; but I would appear a very light man, should I, by withdrawing the motion, give any ground to suppose that I have taken up the subject without the most mature consideration, or that I would hazard such a motion without duly considering its consequences. This is not the case; and, therefore, it is not the smallness of the minority in which I might be found that would induce me to relinquish a measure arising from justice, mercy, and true policy. The only effect a defeat on the present occasion can produce is, to confirm me in a resolution of doing, in the next session, that which the situation of the church and the people both require. I have the utmost veneration, love, and respect for the church, which I am determined to prove, not by words only, but by acts. I have heard, indeed, very plausible professions of regard to the church; but while they remain mere words, unaccompanied by deeds, I shall pay little regard to them. I am determined to prove my affection to the church by my actions, by securing her ministers in an honourable affluent independence, and by removing every cause of dispute that could endanger their persons or properties.

I could have wished that government had not taken any part in the business. I cannot see what an English cabinet, or an Irish secretary, has to do with it. The gentlemen of the country know best their own situation; it must therefore be left to them. On the Riot-bill, the House had resolved themselves into a committee on that part of the Lord Lieutenant's speech which respected the disturbances; they did not, however, examine at all whether there were any dis-

turbances, but they adopted a measure more adapted to an adult sedition than to the suppression of a flying peasantry. However, as ministers were responsible for the quiet of the country, the measure was agreed to; but having done so, it certainly is now necessary to enquire into the distresses of the people; to enquire into their grievances after they had become coerced into obedience; after it has been declared, by some of the first officers of the state, and allowed by every one, that they were bowed down with misery, and ground to the earth with oppression; after we had passed a law to shoot, and to hang, and to whip, and to banish, and to imprison them, could it be thought too soon to enquire into their grievances? It might, indeed, be too late; but the dignity of Parliament would be injured. And how has the right honourable gentleman maintained that dignity? By sealing up the lips of the majority, and pronouncing his *veto* against compassion. I should have wished he had not rose, or that the imperial *veto* had not sealed up the springs of humanity.

It has been said that the exoneration of potatoes from tithe would be of no advantage to the poor. Where have gentlemen learned this doctrine? Certainly not in the report of Lord Carhampton. Or, will they say, that taking sixteen shillings an acre off potatoes, is no benefit to the miserable man who depends on them as his only food?

It has been admitted that some tithes are illegal, such as those on turf, and the poor man is advised to institute a lawsuit for relief. Are gentlemen serious when they give this advice? or will they point out, how the man who earns five pence a-day is to cope with the wealthy tithe-farmer who oppresses him?

It has been said we should not pay any regard to people in a state of resistance; that it would be derogatory to the dignity of Parliament, and that they should apply in proper form. I laugh at this lofty kind of language; there can never be a time when it is improper for the legislature to do justice.

The question was then put for going into the order of the day (to supersede Mr. Grattan's motion), and it was carried without a division.

NAVIGATION ACT.

March 20. 1787.

ON the 5th of March, Mr. Grattan had enquired from the Attorney-general, regarding a bill for which leave had been given on the 23d of February, under the title of a bill for the Improvement of Navigation, whether the bill was to go farther than the mere registry of ships. The Attorney-general said, the intention was to insert a clause in the bill declaratory of the navigation act being in force in this kingdom.

MR. GRATTAN then said: I find this bill is to enact the navigation law; a law of greatest anxiety to the British minister; a law intended, indeed, to confer equal benefits, and impose equal restraints; but so construed by Britain as to confer benefits on herself, and exclude Ireland. This was a principle of the propositions, and a very old complaint. England sent plantation goods to Ireland, and refused to receive them from us under colour and construction of one and the same law, — this act of navigation. This law, it seems, now, gentlemen begin to suspect is not valid in Ireland; and it is now proposed by them to be enacted here, subject to the hostile construction, and it is to be brought in on Wednesday, to be pressed, I suppose, with the usual expedition.

The Attorney-general said that the right honourable gentleman laboured under an error in his conception of the matter.

Mr. GRATTAN. If I am in error, I err with authority; I have the authority of as good lawyers as the right honourable gentleman, to say, that the act of navigation is not the law of Ireland; if I am in error, I have the authority of the *measure* of the right honourable gentleman himself, who, justly diffident of his own assertion, calls on Parliament to give it the authority of law, and proposes to enact the navigation law now, about whose validity he says he has no sort of doubt, but acts as if he had great apprehensions. This is a question of the greatest consequence. I have no objection that the bill should be brought in on Wednesday, provided it is to be printed, time given to consider it, and the House to be called. Gentlemen will recollect, that it has been ever the policy of England to have the act of navigation acknowledged in Ireland, and that, if a commercial adjustment should be proposed next session, a doubt about the validity of the

navigation law, would be *your strength*, and your best chance of making good terms for the country. You are placed in a great responsibility, by the bringing forward this question: Ireland ought not to advance, but I am clear she should not recede.

The motion to go into a committee on the bill having come on this day, Mr. Grattan spoke as follows: —

Sir, From the thin and unfrequented state of these benches one would naturally expect no business of moment: the navigation act now under your consideration has been from the earliest time an object to Great Britain; for this she has incurred the jealousy of nations; to this she attributes the growth of her marine, the dominion of the sea; and she has called it emphatically a great sea charter.

But this act, dear as it was to her, has been in its operation as cruel to you: hardly had the act passed when you were inhibited by one law from sending European goods to the plantations. By another law your name was stricken out of the bond, and the plantations were inhibited from sending their articles to Ireland; and, finally, by another law, you were inhibited from sending plantation goods to Great Britain, while England, who drew up your act of customs, which, though the measure of the Irish Parliament, was drawn up in England, forced herself into your market by a clause in that act. Here has been the construction or operation of the navigation act; a construction of monopoly and contradiction; a tyranny of power over the rules of reason; an operation of injustice, the result of which was, that Ireland was turned out of every market in the King's dominions, her own not excepted; while England construed herself into the Irish market, by an authority derived from the explanation of one and the same act, by the interpretation of which you were excluded. Thus you stood, or nearly thus, until the settlement of 1779; here the two nations came to an honourable explanation, in which the characters of both were raised, and in which, coupled with the settlement of 1782, their animosities were buried for ever; but, in the settlement of 1779, we did not comprehend the channel trade, or the trade subsisting between Great Britain and Ireland; that stood on its ancient base, which was, inequality; here the dregs of the provincial system remained not yet purged off; you took the manufacture of England, and the plantation goods re-exported from England, and England refused to take either from Ireland; she got the raw article from you, and you take the manufacture from her. It was a condition that required arrangement, but was not a condition (considering the great and recent acquisitions of

this country) that should have called forth the very great turbulence and impatience which attended the inauspicious discussion of the unhappy question, protecting duties, to which the above condition had given birth; protecting duties! a question whether we should turn a vast number of articles of the English manufactures out of the Irish market; a question taken up so improperly, so furiously agitated, and so suspiciously deserted. The madness of the times frightened the English much, but frightened every rational man in Ireland much more, and did at last damn the pretensions of those manufacturers, who had just force enough to give birth to an arrangement, of which protecting duties not only did not make a part, but in which an express stipulation against them made a principal part. The equality of the re-export trade made another part. This was the system of reciprocity, but the manufacturers of England trembled at it; they had got your market already; they, therefore, were not to gain any thing by the experiment, and they were, therefore, left free to indulge in the latitude of their ancient fears and airy speculations. They contemplated the low price of labour and of provisions in Ireland; they mistook the symptoms of poverty for the seeds of wealth; in your raggedness they saw riches in disguise; and in destitution itself, they discovered a powerful rival to the capital, credit, and commerce of Great Britain.

Whilst your pretensions were thus opposed by some of the English manufacturers, jealous of your poverty, they were also combated by another party, jealous of your liberty. The remnant of Lord North's ministry, who had supported the minister in the fury of the American measures, but had condemned his decline, and saw the moment when a great man loses his virtues, that is, when he loses his power; that remnant who had but one idea with respect to Great Britain, Ireland, and America, coercion! coercion! From that quarter, the fourth proposition, if I am well informed, and some of the other propositions, the result of a narrow mind, a sordid circumspection, and a jealousy of the dominating genius of an individual, and of the liberties of a nation, originated. Thus was Mr. Pitt's system of reciprocity clogged with a system of coercion, and thus fell the adjustment; and since that time we have no question in the least connected with it, until a doubt has been entertained of the validity of the act of navigation. That doubt rests on two points; *one* is, the informal and narrow rule in the act of customs, which enacts nothing, speaks only to the lower officers of the revenue, and rather indicates a false opinion of the validity of

the act of navigation in Ireland, by the authority of the British Parliament, rather than a legislative confirmation of the law. Let the learned decide: I know there are some most eminent lawyers, who do not think that rule sufficient to establish the act of navigation in point of law; in point of conformity it has not been disputed. The other ground of doubt is Mr. Yelverton's bill; the clause in this bill is equality; it enacts such commercial and navigation laws, as import to confer the same benefits, and impose the same restrictions. Had the navigation act been unaltered, had it not been perverted from its original purpose, it would have been established by Mr. Yelverton's bill; but its inequality of operation stood in the way of its confirmation. Thus, the doubt of the validity of the act of navigation arose from the narrowness of the rule, and the honest latitude of the bill. In these circumstances a bill is introduced, to establish in this country the act of navigation. I was not under error in any degree whatever with respect to the measure. I stated it to be the establishment of the act of navigation; it is so. It has been called a bill for the trade of Ireland; it is not so. It has been represented as a boon from England; it is not so.

The act of navigation is an act of empire, not of commerce; Cromwell was no merchant, his mind was compass, power, and empire. The navigation act is a restriction on commerce in the benefit of shipping, a restriction on the sale of things imported and exported, confining the sale and purchase to vessels and ports of a certain description. The compensation Great Britain receives, is in the carrying trade; and a doubt has arisen, whether the benefits she receives from that trade, compensate for the restraint she imposes on the sale of the commodity; but as to Ireland, there can be no doubt at all. The act of navigation is clearly a restriction without the compensation. Your trade does not receive benefit from the alien duty. The act is a clog on your plantation and a clog on your European trade. Does your trade receive benefit by being confined to vessels of a certain description, or a certain port? You incur the restraint on the sale, but you do not get compensation: see your tonnage of 1784: English in the Irish trade, 360,000; Irish, 71,000; thus the act of navigation is a restriction on commerce for shipping; a restriction on Irish commerce for British shipping; therefore, the act of navigation is a grant to England.

I do not hesitate to make that grant, nor do I require to be exhorted to make that grant, by a suggestion, that an act restrictive on our commerce is for the benefit of our trade.

I know we must make some sacrifices, in some instances, to the general cause. I know taxes are not commercial benefits any more than acts of navigation, but they are necessary, and, therefore, I do not hesitate to conform to the British act; desiring only, in order to warrant that conformity, that the conditions of the act may be effectually equal. As Irish conformity is necessary to the British empire, so is Irish equality necessary to obtain that conformity; that is the true principle that connects; it is the breath that lifts, and it is the spirit that moves, and the soul that actuates; without it, all is eccentricity; with it, the two nations gravitate to a common centre, and fulfil their stated revolutions in the imperial orbit, by rules, regular as the laws of motion, like them infallible, and like them everlasting! Nor do you here demand an equality of which you are not a purchaser; you purchased the right to equal admission, or equal exclusion, under this act, by a long conformity to its restriction; you have given to Great Britain, for that equality, your carrying trade and your market, 100,000*l.* in plantation goods, 360,000*l.* tonnage; nor do you in fact desire equal advantages. You do not desire the British market, but you wish to have the speculation of the British market, for the chance of your own; it is not another man's estate you desire, but a small channel through your neighbour's land, that you may water your own, without the fear of inundation. The English need not tremble; their estates in the plantations articled to render the produce to Great Britain will not break those articles. Cork will not be the emporium of the empire. Old England will remain at the head of things. We only aspire that the little bark of this island may attendant sail, pursue the triumph, and perchance partake some vagrant breath of all those trade-winds that waft the British empire along the tide of commerce.

The equality we ask, is not only the birth of our condition; it is the dictate of our laws. See the act of 1782, the same benefits and the same restraints; a principle very inadequate, if applied, as the rule whereby to measure laws not yet in existence; very infirm ground whereon to pledge the faith of Parliament to future adoption, but necessary for your conformity to any English act already in existence; a principle of equality is thus registered in your own statutes. The merchants who petitioned were therefore moderate; they are men respectable as merchants, as men of sense and men of probity; they did not desire you to repeal the navigation act, but *they did* desire that you would not re-enact it; that you would *not* give any new sanction or authority to the act, without establishing

and securing its benefits. They spoke like freemen the suggestion of the laws, and demanded their right, equity, effectual equity. They spoke a principle admitted even by the two Houses of the British Parliament at a time not very favourable to your liberty, the time of the propositions. The fourth proposition, inadmissible as it was, did not presume to ask of you to adopt English laws of shipping and navigation, on a principle other than that of equality. That proposition was idle enough to expect that you should pledge your faith to a future conformity to future English acts; but equality even there was admitted, even by that oppressive, narrow proposition; therefore, I think I have proved, that, in the act under your consideration, you have a right to demand equality, and I ask whether the clause sufficiently secures it? The clause recites the rule, and then enacts, and explains nothing, recites no principle, secures no principle, removes no doubt; it leaves you a verbal, not an operative equality; equality of law, but not equality of construction. In support of a clause so circumstanced, two principal arguments have been adduced; one, that the act of navigation is the law already, and the other, that it is not. As to the first, if the whole of the argument rested here, the argument and the bill would be easily disposed of. It is true, the act of navigation has been complied with; the merchants, commissioners, and people, have obeyed it; the doubt must arise somewhere out of this country, and if out of this country, in some quarter appertaining to the British court; it is, therefore, a proposition from the British court to the Irish nation. When we are employed in discussing this proposition, and in removing the doubt the court of Great Britain may entertain about the existence of the act of navigation, have we forgotten that there does not exist a much more respectable and more interesting doubt about its construction? and shall we gratify the court by settling the one point, and not gratify, serve, and secure the people, by settling and securing the other?

The other argument, that tells you the navigation act is not the law, desires you with all speed to establish it, in order to secure your plantation trade. But has any court of justice impeached the validity of the act? Any merchant disputed it? Any commissioner dispensed with it? There is the same conformity to the act of navigation now which obtained in 1780, when we got the plantation trade, therefore, we are not called on to re-enact it by virtue of the covenant. Supposing that settlement to have the navigation act in contemplation, the plantation trade is confined to the British plantation, and the navigation act is co-extensive with the world; there is, therefore, a geographical error in the argument, supposing it to

have any foundation in the fact; but to put this defiance to issue, I ask the right honourable gentlemen on the other side, have they any authority from the British minister, to tell Ireland, that, unless she shall re-enact the navigation law, England will repeal the settlement of 1782? I wait for an answer; there is no such thing.

The plantation trade is out of the question — I congratulate you, your minds are at ease, that fear is idle. But if you were to examine the value of that trade, with the loss of which you are threatened, perhaps you would find that it is not inestimable. I allow it is of some value; I do not wish to depreciate the grants of England; you do import directly and you do export directly something, but not in any very great quantity. Whence do you get your sugar? From old England; what bales of cotton manufacture or woollen manufacture have you exported directly to the plantations? Have we forgotten what we have heard on the subject of the propositions, that our plantation trade did not depend on the act of navigation, but on the issue of the second market, that is, on the equal operation of the navigation act, of the act before you? I thought gentlemen went too far when they talked down the plantation trade, as it were nothing without the market of England, without this point of construction or operation; but I am astonished that they now urge the plantation trade as an argument for adopting the act of navigation, without taking the precaution of securing that equality under the act, without which the plantation trade, in their opinion, is inoperative. One gentleman says it is law, another it is not law; but both agree to prepossess your judgment, by exciting a false indifference or a false panic. There is another argument that comes in aid of these, which tells you, it is of no consequence whether the navigation act is or is not law; because the inequality arises from two outstanding acts of Parliament; one the act of customs in Ireland, which admits British plantation goods; the other the act of the twelfth of George III. in England, which prohibits their import from this country; and therefore he advises you to adopt the act of navigation, because there are two other acts of Parliament which deprive you of its benefits. Before you pass the clause under consideration, recollect that we have not very indirectly been invited to institute an adjustment with Great Britain. I am against advancing on that subject; I do not wish to make new points with England; there are some things might be better adjusted, but I would leave that adjustment to temper and to time. England now receives France and excludes Ireland. I do not believe she need be afraid of being rivalled by either; but this

is a consideration for her and not for us; we have done our part; we have opened our market to England; we cannot give our constitution; if she chuses to advance; if ashamed to give privileges to France which she refuses to Ireland, she wishes to relax, it is well; we are ready to thank her; but if the court wishes to advance, and proposes the removal of a new doubt, by adopting a new and experimental measure, such as the present, we must assert, and we reply by establishing an old claim and an old principle. My answer to this proposition is to take the act of navigation on its true principle, and my sentiments are Irish equality and British shipping; and my amendment is as follows, and my vote shall be for the amendment and for the bill, for the English navigation act on its own principle.

He concluded with moving the following amendment to the preamble of the act:

"And whereas it is the meaning and intention of the said act, passed in England in the twelfth year of King Charles II. to impose the same restraints and to confer equal benefits on His Majesty's subjects in England and in Ireland, and that both kingdoms shall be thereby affected in the same manner."

To put the House in possession of the whole measure, he stated that he intended to follow the amendment, by moving the annexed proviso for the bill:

"Provided, that the said act, passed in England in the twelfth year of the reign of Charles II. shall bind his Majesty's subjects of Ireland, so long as it shall have the effect of conferring the same benefist, and imposing the same restrictions, on both kingdoms.

The amendment was supported by Mr. Corry, Mr. Ogilvie, and Mr. Curran. It was opposed by Mr. Denis Daly, Mr. Beresford, Mr. Mason, Sir Hercules Langrishe, and the Attorney-general. They said, that in their conception the navigation act comprised the same benefits in the two countries, and therefore the amendment was unnecessary. The Attorney-general, alluding to the propositions, made an attack on the English opposition, and ridiculed the idea that they had shown any regard for the Irish constitution in the whole or any part of that proceeding.

Mr GRATTAN observed: Sir, the right honourable gentleman (Mr. Fitzgibbon) makes a reply necessary; he charges me with speaking without knowing well what I was about. I had rather be the object of his severity than the retaliator of it; he has mis-stated what I said; perhaps a very able advocate, which most undoubtedly he is, may think mistating a very fair figure of argument. I did not say that the act of navigation was the

law of Ireland; I gave no opinion; I said some great lawyers doubted, but the people obeyed. I did not say that we had no benefit from the direct plantation trade, but I did say that as yet we had not any great benefit from it, no great direct export or import. The right honourable member has spoken of the English opposition much to their disadvantage; he will allow, however, they had one merit, that of making the right honourable member Attorney-general. He is, however, too high in situation, ability, and independency, to be the partizan of the party in government, or any party; but if he has censured the English opposition, he has censured his own countrymen at least as liberally. Sir, they were invited to discuss the subject by the minister, they gave such an opinion as was approved of by many very able and very honest men. We should treat that opinion at least with good manners, particularly the right honourable member should do so, because he has abilities and pretensions sufficient to enter into the fair field of argument without any other assistance. However, what has fallen from the right honourable member is a proof that a certain asperity is not inconsistent with an excellent head and a very good heart.

The committee divided on Mr. Grattan's amendment; — Ayes 52, Noes 127; Majority against Mr. Grattan's amendment 75.

TITHES.

MR. GRATTAN MOVES FOR A COMMITTEE TO INQUIRE INTO THE STATE OF TITHES.

February 14. 1788.

ON the 29th of January, the Secretary of State obtained leave to bring in a bill to "enable all ecclesiastical persons and bodies, rectors, vicars and curates, and impropriators, and those deriving by, from, or under them, to recover a just compensation for the tithes withheld from them in the year 1786, in the several counties therein mentioned against such persons who were liable to the same." The bill was read a first time; on which occasion,

Mr. GRATTAN said: I beg to recall to the recollection of the House the notice which last session I gave of my intention, in the course of the present, to lay before the House a plan for the commutation of tithes and the better maintenance of the clergy. I now give notice, that it is my determination, as

soon as the public business relative to the accounts and supply should be dispatched, I shall enter upon the subject of tithes; and I do not despair of being able to offer to the House a plan perhaps not altogether perfect, but such as the wisdom of Parliament might easily mature into such a system as would give the clergy a more comfortable and more honourable support than they at present possess, without proving in any degree burdensome to the farmer, or cultivator of land. I see no difficulty in uniting the interests of the clergyman and farmer, and *putting an end for ever* to those dissensions so injurious to both; at present I will not go farther into the subject, because I conceive it could not be investigated, on broad and extensive ground, till after the public business had been gone through.

On this day, the 14th of February, he brought forward his promised motion.

He began by observing, that it was *not* his intention to surprise the House at present, by introducing so important a subject as that of tithes. I would prefer submitting the grievances complained of by the peasantry to a committee, who would examine if they really existed or not. That such a mode of proceeding would meet with the approbation of the House, I have no doubt, as the committee, by considering the magical error in its true form, would see the necessity of a commutation of tithes; a commutation which, if I was to propose in the first instance, without convincing the House that the peasantry were really distressed, might bring on an opposition that I would wish, if possible, to see avoided on the present momentous subject. It is a position in politics, as well as in physics, that for the purpose of removing the complaint, it was necessary for the physician to know the nature of the disorder. For this purpose there are many respectable witnesses ready to attend, to prove their allegations, which, I am convinced, would show the necessity of a reformation being made in the mode of provision for the clergy. I therefore move, "That a committee be appointed to enquire, whether any just cause of discontent exists among the people of the province of Munster, or of the counties of Kilkenny or Carlow, on account of tithe, or the collection of tithes, and if any, to report the same, together with their opinion thereupon."

In this committee I shall state, and bring *evidence* of the grievances under which the wretched people labour. In this committee I shall also submit what occurs to *me* as the proper remedy. I do not wish, in the first instance, to usher these matters to the House, because, as I said before, I am unwilling to risk the interest of the clergy, the cause of the poor,

and the happiness of the country, upon my opinion. Let me then beseech an inquiry, from which much good, and no mischief whatever can possibly result.

The Attorney-general (Mr. Fitzgibbon), and Mr. Hobart, objected strongly to the mode pointed out by Mr. Grattan.

Mr. GRATTAN then rose, and spoke as follows: Sir, the people in the south have grievances, and one of their principal grievances is tithe; do not take it upon my authority; go into a committee. It has been said, in defence of clerical exactions, that though sometimes exorbitant, they have never been illegal. I deny it: and will produce proof at your bar, that exactions in some of the disturbed parts have been not exorbitant only, but illegal likewise. I will prove that, in many instances, tithe has been demanded, and paid for turf; that tithe of turf has been assessed at one or two shillings a house like hearth-money; and, in addition to hearth-money, with this difference, that in case of hearth money, there is an exemption for the poor of a certain description; but here, it is the poor of the poorest order, that is, the most resistless people, who pay. I will prove to you, that men have been excommunicated by a most illegal sentence, for refusing to pay tithe of turf. I have two decrees in my hand from the vicarial court of Cloyne; the first excommunicating one man, the second excommunicating four men, most illegally, most arbitrarily, for refusing to pay tithe of turf; nor has tithe of turf, without pretence of law or custom, been a practice only; but in some part of the south, it has been a formed exaction with its own distinct and facetious appellation, the familiar denomination of smoke-money. A right to tithe of turf has been usurped against law, and a legislative power of commutation has been exercised, I suppose for familiarity of appellation and facility of collection.

I am ready, if the House will go into the inquiry, to name the men, the parish, and all the circumstances.

It has been urged, the law would relieve in the case of demand for tithe of turf; but you have admitted the poverty of the peasant, and you cannot deny the expense of litigation. Sir, the law has been applied, and has not relieved.

I have authority from a person, now a most eminent judge, and some years ago a most distinguished lawyer, to affirm to this House, that he, in the course of his profession, did repeatedly take exceptions to libels in the spiritual court for tithe of turf, and that they were uniformly overruled; and I have the same authority to affirm to you, that the spiritual courts

do maintain a right to tithe for turf; and that, in so doing, they have acted, and do act in gross violation of the law.

I am informed that tithe has been demanded for furze spent on the premises, and, therefore, in circumstances not subject to tithe, a demand oppressive to the poor, and repugnant to the law.

Under this head the allegation is, that, in some of the disturbed parishes of the south, tithe has been demanded and paid, without custom, and against law; and that the ecclesiastical courts have allowed such demands against law, and this will be verified on oath.

The exactions of the tithe-proctor are another instance of illegality; he gets, he exacts, he extorts from the parishioners, in some of the disturbed parishes, one, frequently two shillings, in the pound. The clergyman's agent is then paid by the parish, and paid extravagantly. The landlord's agent is not paid in this manner; your tenants do not pay your agent ten per cent. or five per cent. or any per centage at all. What right has the clergyman to throw his agent on his parish? As well might he make them pay the wages of his butler, or his footman, or his coachman, or his postillion, or his cook.

This demand, palpably illegal, must have commenced in bribery; an illegal perquisite growing out of the abuse of power; a bribe for mercy; as if the tithe-proctor was the natural pastoral protector of the poverty of the peasant against the possible oppressions of the law, and the exactions of the Gospel. He was supposed to take less than his employer would exact or the law would allow, and was bribed by the sweat of the poor for his perfidy and mercy. This original bribe has now become a stated perquisite; and, instead of being payment for moderation, it is now a per centage on rapacity. The more he extorts for the parson, the more he shall get for himself.

Are there any decent clergymen who will defend such a practice? Will they allow that the men they employ are ruffians, who would cheat the parson, if they did not plunder the poor; and that the clerical remedy against connivance is to make the poor pay a premium for the increase of that plunder and exaction, of which they themselves are the objects?

I excuse the tithe-proctor; the law is in fault, which gives great and summary powers to the indefinite claims of the church, and suffers both to be vested in the hands not only of the parson, but of a wretch who follows his own nature, when he converts authority into corruption, and law into peculation.

I have seen a catalogue of some of their charges; so much for potatoes; so much for wheat; so much for oats; so much for hay — all exorbitant; and after a long list of unconscionable demands for the parson, comes in a peculation for the proctor: two shillings in the pound for proctorage; that is, for making a charge, for whose excess and extravagance the proctor ought not to have been paid, but punished.

Thus peculation has now become a law; the proctor's fees, paid at first for a low valuation, are now in some cases added to a full one; and the parish is obliged to pay ten per cent. to the proctor for the privilege of paying the full tithe to the parson.

Under this head the allegation is, that the tithe-proctors in certain parishes in the south do ask and extort from the poor parishioner one or two shillings in the pound, under the description of proctorage — a fee at once illegal and oppressive; and this they are ready to verify at your bar.

It has been said, that an equity has been always observed in favour of the tiller of the soil. This, I understand, will be controverted; and it will be proved, that, in some of the disturbed parishes, the demands of the following articles will be found to pay tithe: wheat, potatoes, barley, bear, rye, flax, hemp, sheep, lambs, milch-cows, turf, pigs, apples, peaches, bees, cabbage, oziers; in some, oblations, Easter-offerings, burial-money.

I understand that every thing of any consequence which is tithed in any part of Ireland, is tithed in Munster; that potatoes, which are tithed in no other part of Ireland, are tithed here; and that each article is, in most of the disturbed parts, tithed higher than in any other part of Ireland.

I understand that it will appear, that, in some parts of Kerry, they tithe potatoes 1*l.*; wheat 16*s.*; barley 13*s.*; oats 12*s.*; hay 2*s.*

In Kerry they do not measure by the acre, but the spade. They reckon, as I am informed, the breadth of their potatoe-ridge, or trench, to be an Irish perch, or ten feet and an half; the length, therefore, when 320 perches make an acre, they measure by the spade-length, which is five feet and an half long; twenty of these Irish spades they suppose to contain eighteen stone of potatoes, or what they call two Kerry pecks; and as there are little more than sixty-one score spades in the bed of 320 perches, that is, in an acre, the whole quantity of potatoes is valued at 122 Kerry pecks, which averages at twenty-pence the peck, that is 20*s.* the acre for tithe of potatoes.

In a parish in the county of Cork, I understand, the following demand was made and paid:

Wheat 8*s.* the English acre; barley the same; meadow 4*s.*; oats 4*s.*; potatoes 12*s.*; proctor's fees 2*s.* 2*d.* in the pound, and this not for one year, but a succession. This, when valued by the Irish acre, is, for wheat 13*s.*; barley 13*s.*; meadow 6*s.* 6*d.*; oats 6*s.* 6*d.*; potatoes 19*s.*

This will better appear by stating to you some of the proctor's bills for a series of years, which I understand will be proved at your bar.

		l.	*s.*	*d.*
	In the year 1782.			
For 113	English acres of meadow	21	16	0
16	Ditto barley	5	12	0
8	Ditto Oats	1	12	0
2	Ditto potatoes	1	4	0
	2*s.* proctorage	3	5	0
	In the year 1783.			
92	English acres of meadow	18	0	0
18	Ditto oats	3	0	0
4	Ditto potatoes	2	8	0
	2*s.* in the pound proctorage	2	12	0
	Valuation for 1784.			
74	Acres of meadow	14	0	0
9	Ditto, second crop potatoes	4	10	0
	For 1785.			
8	Acres barley, second crop	2	16	0
1	Ditto potatoes, second crop	0	10	0
	For 1786.			
3½	Acres potatoes and flax	2	2	0
2	Ditto barley	0	16	0
7	Ditto meadow	1	1	0
10	Cows	0	3	4

You will observe, that these are all the English acre, and make the acreable ratages about what I have stated in round numbers. I have also to produce several affidavits of different people (peasants I suppose they are), from the county of Cork. The brief of which affidavits, I will now state to you: they depose that a charge was made of ten shillings (English acre I am informed) for wheat, and ten for potatoes, of the worst kind.

That a charge was made of twenty shillings for an acre and half of barley, and that the crop was a bad one.

That a charge was made and exacted of fifteen shillings for half an English acre of wheat, and half an acre of oats.

They prove that the tithe has increased of late in some parts from five to eight or ten shillings the English acre for potatoes; from four to eight or ten shillings for wheat; and for barley, oats, and hay, in a similar proportion.

They prove that the charges in the ecclesiastical courts have swelled to ten times the original sum.

They prove that the tithe demanded in 1786, in some instances, exceeded the rack-rent of the land; they prove that it is a practice to charge for more acres than the peasant has in tillage, and they produce the charge of the proctor, and the return of the surveyor; they prove that the prices charged, in some instances, in 1786, exceeded the value of the tithe.

They prove an unchristian and uncharitable exaction. What credit is to be given to these affidavits you will be the best judge when you go into the committee; but this I think, even on the statement you can decide that these peasants have been oppressed by tithe; and however fondly and partially these men may state their own case, yet it appears that they have a case which you ought to consider, and that there has not been that moderation on the part of parson and proctor as by the former is so confidently alleged.

I understand, in the course of your enquiry, it will appear, that a living has been lately and rapidly raised from 60*l.* to 300*l.* by the new incumbent; that a farm from 12*l.* a year tithe has been raised to 60*l.*; that a living in these disturbed parts from 130*l.* has been, in the same manner and expedition, raised to 340*l.*; that another living in these disturbed parts, in the same manner has been raised from 300*l.* to 1000*l.*

I understand, it will appear to you, that 14*l.* have been demanded and paid for eleven acres, the rent of which was only 11*l.* 11*s.*; that flax has been in some of those disturbed parts rated exorbitantly; that rape has been rated at one guinea an acre; nay, one return goes so far as to say, 16*l.* were demanded for four acres of rape. These particulars you will judge of when you open your committee, how far they may be exaggerations, how far they may be grievances, after every allowance for sanguine statement on the part of the husbandman.

But there are some returns which cannot be exaggerations, and which are exorbitant; they are the returns of the proper officer appointed by the court of Chancery to try petitions under the compensation act.

From Limerick there are five; one is

Flax, from	10s. to 0s.	Meadow, from	2s. 3d. to 3s.
Potatoes	8 — 10	Sheep	0 4 — 0
Wheat	6 — 0	Lambs	0 3 — 0
Barley	6 — 0	Cows	0 2 — 0
Oats	4 — 5	Receivers' fees	2 2 — 0

Proved to have been constantly paid.

November 5. 1787. Average valuation allowed.

	Per Acre.		Per Acre.
Flax	12s. 0d.	Oats	4s. 0d.
Potatoes	10 0	Meadow	2 10
Rye	6 0		

Cows, 4d. each.

October 31. 1787. Average valuation allowed.

	Per Acre.		Per Acre.
Potatoes	10s. 0d.	Oats	5s. 0d.
Wheat	10 0	Meadow	3 0

Cows, 3d. each.

December 19. 1787. Average valuation allowed.

	Per Acre.		Per Acre.
Wheat	9s. 0d.	Oats	4s. 6d.
Potatoes	8 0	Meadow	2 6
Barley	7 6		

Sheep, 4d.; Cows, 2d. each.

October 18. 1787. Valuation, per report made to the Lord Chancellor.

	Per Acre.		Per Acre.
Potatoes	12s. 0d.	Barley	10s. 0d.
Flax	12 0	Oats	6 0
Rape	12 0	Meadow	6 0
Wheat	10 0		

Cows, 3d.; Sheep and Lambs together, 3d.

I shall now read you the return from Cork from the proper officer appointed to try petitions. The return consists of different acreable ratages. The acre, I am told, in that country is the English acre; if so, the ratages are as follow:

Potatoes. E. A.	Ir. A.	Wheat. E. A.	Ir. A.	Barley. E. A.	Ir. A.	Oats. E. A.	Ir. A.	Meadow. E. A.	Ir. A.
s. s.	d.	s. s.	d.	s. s.	d.	s. s.	d.	s. s.	d.
5 8	1	— —	—	— —	—	— —	—	— —	—
6 9	9	— —	—	— —	—	— —	—	— —	—
7 11	4	6 9	9	— —	—	2 6	4	— —	—
8 13	0	7 11	0	— —	—	3 4	10	2 3	3
9 14	0	8 13	0	5 8	1	4 6	6	3 4	10
10 16	0	10 16	0	6 9	9	5 0	8	4 6	6

I believe there is no man who hears these charges that will not pronounce some of them exorbitant, unconscionable, and totally different from those which the advocates for tithes have ventured publicly to acknowledge or defend. I believe no man who hears these ratages, that will not say, that some of them preclude the idea of any equity in favour of the tiller of the soil, and that the person who makes such a demand means to exact the last penny of his claim, and if he talks of moderation is a hypocrite.

As to potatoes, the clergyman ought not to proceed with reference to the produce, but the price of labour: in the parts of which I have been speaking, the price of labour is not more than 5*d.* a-day the year round; that is, 6*l.* 4*s.* the year, supposing the labourer to work every day but Sunday; making an allowance for sickness, broken weather, and holidays, you should strike off more than a sixth: he has not, in fact, then more than 5*l.* a-year by his labour; his family average about five persons, nearer six, of whom the wife may make something by spinning (in these parts of the country there are considerable manufactories). Five pounds a-year, with the wife's small earnings, is the capital to support such a family, and pay rent and hearth-money, and, in some cases of illegal exaction, smoke-money to the parson. When a gentleman of the church of Ireland comes to a peasant so circumstanced, and demands 12*s.* or 16*s.* an acre for tithe of potatoes, he demands a child's provision, he exacts contribution from a pauper, he gleans from wretchedness, he leases from penury, he fattens on hunger, raggedness, and destitution. In vain shall he state to such a man the proctor's valuation, and inform him, that an acre of potatoes, well tilled, and in good ground, should produce so many barrels; that each barrel, at the market price, is worth so many shillings, which, after allowing for digging, tithes at so much.

The peasant may answer this reasoning by the Bible; he may set up against the tithe-proctor's valuation the New Testament; the precepts of Christ against the clergyman's arithmetic; the parson's spiritual professions against his temporal exactions; and, in the argument, the peasant would have the advantage of the parson. It is an odious contest between poverty and luxury—between the struggles of a pauper and the luxury of a priest.

Such a man making such a demand, may have many good qualities; may be a good theologian; an excellent controversialist; deeply read in church history; very accurate in the value of church benefices; an excellent high-priest—but no Christian pastor. He is not the idea of a Christian

minister: the White-Boy is the least of his foes; his great enemy is the precept of the Gospel and the example of the apostles.

With respect to the rudiments of manufacture, you ought not to proceed according either to the produce or price of labour; you should observe an equity in favour of the manufacturer. When 12*s.* an acre are demanded for flax, the tithe is fatal to the progress of the linen trade in the south, and the great words *increase and multiply* meet obstruction, in this instance, from some of the ministers of the Gospel, or those employed by them, preventing the growth of manufacture and population, by the excess of demand and the love of riches. England established a modus for flax, a modus of 5*s.* an acre; and yet the linen manufacture is not the staple of England, but was given up by England to be the staple of Ireland. The Parliament of England establishes there a modus of 5*s.* an acre for your staple, and some of your clergy here demand for it 12*s.* an acre.

Under the head of excess the following allegation is submitted to your consideration; that, in certain parishes of the south, the charge for tithe has been unconscionable, and has not observed an equity in favour of the husbandman, the poor, or the manufacturer.

But the law would relieve; turn to the ecclesiastical court; the judge is a clergyman, or appointed by a clergyman, and of course is a party judge; and though, in some cases, his personal rectitude may correct his situation, and prevent him from being a partial, yet, from the constitution of his court, he is a party judge. The ecclesiastical courts in England maintained gravel and stone to be titheable, as some of ours have maintained turf to be titheable. Lord Holt said, they made every thing titheable; "But," says he, "I do not regard that; the Pope, from whom our clergy derive their claim, though they depart from its alleged application, subjected to tithe the gains of the merchant, and the pay of the army; the canons went further, and held the tithe of fornication and adultery to be the undoubted property of the church." We are now too enlightened to listen to claims carried to so very great an extent; and ecclesiastical courts are less extravagant now; but still, the principle continues, the bias continues; still they are party courts; the evidence, like the judge, is a party; he is worse; he is frequently the servant of the party, and the nature of his evidence is the best calculated to give every latitude to partiality and corruption; he generally views the crop, when the crop is ripe, or when the ground is red; in the first case he cannot, with any great

accuracy, ascertain the quantum of produce, and in the last case he cannot with any accuracy at all; and yet, without survey, without measure, and, in some cases, without inspection of the crop, hear him swearing before a party judge, to the quantum of ground and produce!

I have selected some cases from the vicar's court of Cashel. I will read them, and on some of them will make such observations as occur to me. I will begin with the year 1766, to prove the present mode and measure to be encroachment.

1766. — Seymour against Burke. Subtracted two-thirds of two acres of bere, two acres of oats, five acres of oats and one acre and an half of potatoes, and three acres of meadowing, parish of Ballybrood, and county of Limerick, valued at 1*l.* 12*s.*; it was proved that all the tithes of said parish belonged to promovent, and that two-thirds of the tithes were subtracted by the impugnant.

Hanley against Ryan and others. Seven lambs and forty-two sheep, 8*s.* 2*d.*; one acre of oats and potatoes, 3*s.*; half an acre of oats, 1*s.* 6*d.*; seven acres of meadow, at 1*s.* 6*d.* per acre, 10*s.* 6*d.*

1767. — They had two acres of potatoes, 10*s.*; two acres of new potatoes, 12*s.*; three roods of oats, 2*s.* 3*d.*; six acres of meadow, at 1*s.* 6*d.* an acre; forty-one sheep and twelve lambs, at 2*d.* a-piece, 8*s.* 10*d.*

1768. — They had four acres of potatoes, 1*l.*; half an acre of new potatoes, 3*s.*; six acres of meadow, 9*s.*

September 1. 1769. — Knockgraffon. The Reverend Nicholas Herbert against Parker. Eight acres of wheat, at 5*s.* an acre.

Massey against Smithwick. Oats one acre and an half, 6*s.*; on the lands of Ballynagrana, in the parish of Emly.

Morgan against Fitzpatrick. *Ballydarrid, diocese of Cashel.* One acre and a half of bere, 7*s.* 6*d.*; two acres of meadow, at 2*s.* 6*d.* each, 5*s.*; three acres of oats, at 2*s.* 6*d.* each, 7*s.* 6*d.*

February 16. 1771. — Dr. Jarvis against the Morriseys. Half an acre of potatoes, 4*s.*; one acre and an half of wheat, 12*s.*; six acres of meadow, 18*s.*; two acres of oats, 8*s.*; one acre of wheat and some potatoes, 8*s.*; one acre of wheat and some potatoes, 6*s.*; one acre of wheat and some potatoes, 8*s.*; half an acre of potatoes and oats, 3*s.*; half an acre of wheat, 4*s.*; half an acre of potatoes, 4*s.*; one acre of oats and potatoes, 6*s.*

Cooper against Glissan. One acre of oats, 3*s.* 6*d.*; one acre of bere, 5*s.*; two acres of wheat, 10*s.*; two acres of rape, 14*s.*

February 8. 1772. — Lloyd against Hourigan. Subtracted, in 1770, an orchard on the lands of Grange, in the parish of Cahirconlish, two-thirds of the tithes, 1*l.* 6*s.* 8*d.*; and on the lands of Knockeen, another orchard, two-thirds of the tithes of which, 16*s.* 8*d.*

Hanley against Sadlier. Thirty acres of meadow, at 1*s.* 1*d.* an acre; twelve acres of meadow, at 1*s.* 6*d.* an acre. Decreed, with 6*s.* 8*d.* costs. *Note*, the lands in the Union of Toom.

January 23. 1773. — Blake against Bryan. Brittas, in the

parish of Thurles, impugnant in 1771, subtracted two one-half acres of potatoes, at 7*s.* 6*d.*; one acre of barley, at 5*s.*; eighteen acres of meadow, at 3*s.* And, in 1772, he subtracted seven one-half acres, at 8*s.*; four one-half acres of bere, at 7*s.*; four one-half acres of barley, at 5*s.*; eight acres of oats, at 5*s.*; twelve acres of meadow, at 3*s.*

January 8. 1774. — Moore against several persons. Barley, 6*s.* 6*d.* an acre; wheat, 7*s.*; meadow, 2*s.* 6*d.*; potatoes, 8*s.*; in the parish of Emley.

Riall against several persons. Five one-half acres of potatoes, 1*l.* 13*s.*; two acres of oats, 8*s.*; one one-half acre of meadow, 6*s.*; one acre of rape, 8*s.* Killenaule, decreed, with 6*d.* costs in each.

Cooper against Glissan. Bere, 5*s.* an acre; oats, 4*s.* an acre; oats, 3*s.* 6*d.* an acre; wheat, 5*s.* Deanesgrove, in the parish of the Rocks.

Herbert against M'Encraw. Wheat, 8*s.* an acre; oats, 3*s.* 6*d.*; bere and flax, 6*s.*; potatoes, 8*s.* Knockgraffon parish.

February 2. 1775. — Lockwood against Mockler. Barley, 5*s.* an acre; oats, 3*s.* 6*d.*; bere, one one-fourth acre, 6*s.* 3*d.* Ardmayle parish.

Lockwood against Meagher. Bere, 5*s.* an acre; oats, 3*s.* 6*d.*; wheat, 6*s.* Ardmayle parish.

January 20. 1778. — Cooper against Cunningham. Thurlesbegg, the parish of the Rocks; oats, 3*s.* 6*d.* an acre; barley, 5*s.*; rape, 8*s.*

1780. — Riall against Freehy. Ballingarry parish; wheat, 5*s.* an acre; potatoes, 2*s.*; oats, 10*d.* Subtracted in 1777.

Tierney against Cleary and others. Parish of Tennor; potatoes, 6*s.* an acre; wheat, 7*s.*; bere, 6*s.*; oats, 4*s.*

Shaw against Carroll. Ballyshehan parish, two-thirds of the tithes; two hundred and sixty-five barrels of potatoes, growing on four one-half acres, at 3*s.* 6*d.* a barrel, 3*l.* 1*s.* 3*d.*; forty-two barrels of wheat, on seven acres, 2*l.* 15*s.*; sixty-four barrels of bere, on four acres, 1*l.* 10*s.* 3*d.* In all, 7*l.* 6*s.* 6*d.*; with 1*l.* costs.

Hare against same. Two hundred and sixty-five barrels of potatoes, one-third of the tithes thereof, 1*l.* 9*s.* 8½*d.*; forty-two barrels, one-third of the tithes thereof, 1*l.* 8*s.* 2*d.*; sixty-four barrels of bere, one-third of the tithes thereof, 13*s.* 7½*d.* Decree, with 1*l.* costs.

Same against Mary Strang. Two thousand three hundred and fifty barrels of potatoes, one-half of the tithe of which, 22*l.* 1*s.* 5*d.*; bere, one hundred and twenty-eight barrels, one-half of the tithe of which, 2*l.* 6*s.* 4*d.*; oats, one hundred and forty-three barrels, one-half of the tithe of which, 2*l.* 3*s.* 8*d.*; flax, one-half of the tithe of which, 5*s.*; hay, one hundred and twenty-five tons, one-half of the tithe of which, 6*l.* 5*s.* In all, 33*l.* 1*s.* 4*d.* The Archbishop took time to consider.

July 16. 1780. — Same against Mary Strang. Nave, for the impugnant, prayed to be let into the merits, but His Grace overruled him. Nave then tendered 10*l.* 4*s.* 9*d.* as a compensation, which the promovent refused. Griffith prayed sentence, which was decreed by His Grace for 33*l.* 1*s.* 4*d.*, with 1*l.* 6*s.* 8*d.* costs.

August 12. 1782. — Massey against Murnane. Meadow, five acres, 1*l.*, and 1*l.* 6*s.* 8*d.* costs.

October 7. 1782. — Shaw against Mahoney. Ordered that Gilbert Meara, the proctor of Cæsar Sutton, be enjoined from collecting or demanding tithes from any of the parishioners of Ballysheehan, which are claimed by said Sutton.

Hare against Strang. Decree that the appeal is deserted in pain, and that a monition shall issue for 33*l.* 1*s.* 4*d.* pursuant to the rule of the 16th July, 1781.

March 10. 1783. — Lloyd against Hoops. — Sixty acres of meadow, producing two hundred and forty tons, value 16*l.*; ten acres, forty tons, 2*l.* 13*s.* 4*d.*; six thousand and forty-eight stone of potatoes, at 1*d.* per stone. The tithe in all, 2*l.* 10*s.* 4*d.*, and 1*l.* 6*s.* 8*d.* costs.

Ryan against Madden. Decree for 4*s.* 6*d.* for the tithe of two acres of meadow, and 1*l.* 6*s.* 8*d.* costs.

Moore against Pat. Moroney. One acre potatoes, producing sixty barrels, at 9*s.* 9*d.* per barrel, that is, 2*l.* 18*s.* 6*d.* per acre; four acres of meadow, at two one-half tons per acre, at 1*l.* a ton.

June 1785. — Ryan against Greene. Four acres and three-fourths potatoes, at 64 barrels, containing 4256 stone, the tithe 425 stone, at 4*d.* per stone, amount to 5*l.* 6*s.* 3*d.*; flax, two acres and one-half, 160 stone, the tithe 16 stone, at 4*l.* 3*s.* 4*d.*; oats, four acres and one-quarter, containing 232 stone, the tithe 43 stone, at 6*d.* per stone, 1*l.* 1*s.* 6*d.*; meadow, ten acres, 30 tons, the tithe three tons, at two guineas per acre, 6*l.* 16*s.* 6*d.* In all, 16*l.* 8*s.* 3*d.*

Parish of Ballingarry, *June* 26. 1784. — Preston against Clifford. In 1783, 420 stone of potatoes, tithe at 3*d.* per stone, amount to 10*s.* 6*d.*; oats, 48 stone, tithe at 9*d.* per stone, 3*s.* 4½*d.*; barley, 196 stone, tithe at 8*d.* per stone, 13*s.*; hay, 10*s.*, tithe whereof one ton, 2*l.* 3*s.* 4*d.* Decree, and 1*l.* 6*s.* 8*d.* costs.

July 26. 1784. — Walsh against Fanning. Parish of Kilcooly, in 1783, had two one-half ton, at 20s. per, the tithe 5 cwt., value 5*s.*; potatoes, 100 barrels at 3*s.* per, the tithe 1*l.* 10*s.*; oats five barrels, tithe half-barrel, value 3*s.* 6*d.* In all, 1*l.* 18*s.* 6*d.* Decree, and 1*l.* 6*s.* 8*d.* costs.

It appears from one of these decrees, that in the year 1780, a demand is brought for two hundred and sixty-five barrels of potatoes, as two-thirds of the tithe of the parish of Ballysheehan. By what learned process the proctor or evidence can prove this precise value, or whether he has measured the crop, I cannot say; but I most strongly suspect the contrary; and then his valuation is a false and arbitrary accuracy, and his sub-division of the crop is a trick to increase the charge. The minuteness of charge is the multiplication of oppression. Do not imagine that the proprietor of tithe cannot proceed otherwise than by this species of minute valuation; for I have read you the report of suits brought in a

different manner, to which I beg you may advert. This method appears, from the report, an innovation. It is tithing by mouthfuls.

It appears from this decree, that these two hundred and sixty-five barrels of potatoes were the produce of four acres and an half: the charge appears to be *4l. 3s. 9d.*, that is, near *1l.* the acre for potatoes; the case goes on, and charges for forty-two barrels of wheat (not measured, I apprehend,) *4l. 4s. 6d.* value 20*s.* the barrel; and as this appears to arise from seven acres, the charge is 12*s.* the acre; to this is added 20*s.* cost.

The case that follows this, is a demand brought for one third of the tithe, and proceeds on the same principle of crafty minuteness, false accuracy, and real oppression.

In these cases you will recollect, that there should ever be made a difference between the field price and market price: the field price is what the crop is worth at the time, and in the state in which the parson's right accrues; and the market price is that to which the parson has no right. These distinctions do not seem always to have been religiously adhered to by these clerical judges.

The next case I shall observe on is, a demand brought for two thsonand three hundred and fifty barrels of potatoes, one hundred and twenty-eight barrels of bere, and one hundred and forty-eight barrels of oats. On what evidence? Who was the laborious, indefatigable man who went through the long process of measuring and weighing this ponderous and bulky produce? This is the case of Mrs. Strang; and the result of this charge is, a decree for 33*l.* 14*s.*, and 1*l.* 6*s.* 8*d.* cost. There is no necessity for knowledge of fact to support such a demand; the evidence does it by his power of guessing, which, it seems, before such a tribunal, is satisfactory. You think this measure by the barrel a criminal ingenuity; but they carry it much farther; they swear to the stone. I have read you a suit brought for six thousand and forty-eight stone of potatoes; but there is a case which sums up all the principles which I have stated and objected to; — it is the case of Ryan against Greene. In this, four acres and a quarter of potatoes are alleged to have contained four thousand two hundred and sixty-six stone, and are tithed at 5*l.* 6*s.* 3*d.*, which is above one guinea an acre for potatoes; two acres and a half of flax are alleged to contain one hundred and sixty stone, and are charged above 3*l.* 4*s.*, above a guinea an acre for flax; four acres and a quarter of oats, alleged to contain four hundred and thirty-two stone, are charged 1*l.* 1*s.* 6*d.* about 5*s.* the acre; ten acres of meadow, alleged to contain thirty ton, are

charged at 6*l.* 6*s.* 6*d.* that is above 12*s.* the acre meadow; the decree went for the sum charged, 16*l.* 8*s.* 3*d.* and the costs 1*l.* 6*s.* 8*d.* An observation which aggravates even this case, will occur, when I tell you this charge was made in a year of famine; the famine of 1783, when an embargo was laid on your exports, and the people nourished by contribution. There is another aggravation even to this; they charge a famine price, and calculate a plenty produce, and avail themselves of both.

There is another case of scarcity, where a suit is brought for four hundred and thirty stone of potatoes, valued at 3*d.* per stone, a price of scarcity; for forty-eight stone of oats, a price of scarcity, and for ten tons of hay, valued at 2*l.* 3*s.* 4*d.* the ton, a price of scarcity, decreed with 1*l.* 6*s.* 8*d.* costs. Another case of scarcity; where a demand is made for six hundred and thirty stone of potatoes, valued at 3*d.* per stone, a price of scarcity; ninety-six stone of oats, valued at 9*d.* per stone, a price of scarcity; eleven tons of hay, at 2*l.* 3*s.* 9*d.* the ton; total tithe, 3*l.* 16*s.*, decreed with 1*l.* 6*s.* 8*d.* costs; and these seem to be the case of poor peasants, who have but six hundred or four hundred stone of potatoes, valued at 3*d.* a stone, in a hard year, in the famine 1783, decreed with the aggravation of the highest costs the law would allow.

But there is a case of a most extraordinary appearance; a case which rises on famine. I do not see that any decree was made upon it; one acre of potatoes is alleged to contain sixty barrels of patatoes, and each barrel is valued at 9*s.* 9*d.* that is 2*l* 18*s.* 6*d.* tithe for the acre of potatoes.

With regard to the legality of the conduct of a clergyman, who, in rating his parishioners, takes advantage of a famine, and brings up as it were the rear of divine vengeance, and becomes in his own person the last great scourge of the husbandman; with regard to the legality of the conduct of a clergyman, who not only takes the advantage of famine, but joins a famine price to a plenty produce, and by one and the same act punishes human industry, and aggravates physical misfortune; as to the legality of such conduct, I shall say nothing; it may be perfectly consistent with his temporal claims, but blasts his spiritual pretensions for ever.

After these oppressions, the most grievous kind of oppressions, oppressions by judgment of law, you would hardly listen to the minor grievance, where the decree shall be for 1*l.* and the costs 1*l.* 6*s.* 8*d.*! where the decree shall be for 4*s.* and costs 1*l.* 6*s.* 8*d.*! There are several of this kind; but this would seem the mercy of the court admonishing the peasantry never to appear again before such a tribunal.

From these instances I may infer, that the peasantry must look for redress to Parliament, and will not find it in the spiritual courts, which, from their distance, from the uncertainty of their session, from their constitution, and from their judgments, must rather give the tithe-farmer a confidence in extortion, than the husbandman a confidence in the law. From these instances, I think I have proved, that there has existed such a thing as excess of demand; excess of demand without remedy; and this excess would be better understood, if you compare the ratages of the south with those of other parts of the kingdom.

Here Mr. Grattan observed, that two material differences existed: first, that potatoes were tithed no where but in the south; secondly, that the other articles of tillage were tithed no where so high as in the south; that there were some few parishes, it is true, in the north, and some parts of counties that bordered on Munster, where potatoes were tithed; but that the instances were few, and the exception proved the rule.

That the other articles of tillage were not tithed so high in other places, after making every allowance for difference of soil.

Here Mr. Grattan stated the ratages which were usual in the other provinces, and which were much less than those exacted in the south, which, he said, appeared to be the region of poverty, exaction, and tumult; and that the tumult seemed commensurate with the exaction, which, he said, fell particularly heavy on those who were the least able to pay. He showed, that, in the other provinces, not only the tithe on tillage was less, but that there were certain moduses in some of their counties for articles which, in the south, were heavily tithed. Thus, in the north, there was a modus for flax, sixpence, be the quantity ever so great. That, in part of Connaught, there was a modus for hay, sixpence per farm, be the quantity ever so great. That considering the exemption of potatoes, these moduses, and the ratages on tillage in the other parts of the kingdom, two observations must arise; first, either that the clergy were greatly cheated in the three parts of Ireland, or that the people were greatly oppressed in the south; 2dly, that you must raise the ratages of the clergy in Ulster, Connaught, and Leinster, or you must now check them in Munster. Are you prepared, said Mr. Grattan, for the former of those events? Are you prepared in Connaught and Ulster to pay 12*s.* or 14*s.* for potatoes, and 12*s.* the acre for flax? Are you prepared in Ulster for the compensation-bill, and the magistracy-bill, which must accompany

and enforce such efforts to introduce among you those exactions which oppress Munster? It is true, the north is teazed in some counties, by small-dues, which it is a part of my scheme to put an end to, and make a compensation to the clergy.

The ratages of the south will be still better understood by comparing them with her own ratages at a former period; that from every information he could collect, they had greatly increased. This would be a very proper subject for the committee.

That he had affidavits to produce, stating the increase, which was rapid and exorbitant, bearing no proportion whatsoever to the general increase in the value of things. That these affidavits seemed warranted by current testimony of public opinion, and particularly by extracts from the decrees of the vicar's court, where it appeared, not from one decree but a course of decrees, that the acreable ratages of late had greatly increased.

Here he read some of the decrees before referred to. That it had been said, that in the diocese of Cork and Ross, the ratages had not increased these last thirty years. That he was willing to rest the case on that fact, and if the ratages in the south had not, within those last thirty years, greatly increased, he was willing to give up the question; and he desired a committee to investigate and determine that important point. That this encroachment, on which he insisted, was the more inexcusable, when we considered the great increase of tillage in the south, which of itself would have increased the incomes of the clergy, even though they had diminished their ratages; the causes of the increase of tillage make the increase of ratage improper as well as unnecessary; because they are in some degree artifical; the bounty on corn is an artificial cause. That bounty should not be tithed. The effect of that bounty has not been prevented; but the full operation of it has been checked by excessive tithe, and has been interrupted by tumult, the companion of these excessive demands; so that the excess of tithe re-acts on the premium, and makes it doubtful whether the plough shall advance under the bounty, or go back under the tithe.

Another artificial cause of the growth of your tillage in the south, is your want of manufacture: a poor and rapid population, that cannot be employed in manufacture, must be employed in husbandry; but then it is miserable and experimental husbandry; what Mr. Young calls an execrable tillage on bog or mountain, which, by the laws of England, would be for seven years exempt from tithes, and which by the laws of Ireland ought to be so. You have two acts, one

exempting newly-reclaimed ground from tithe of flax or hemp for seven years; and another exempting reclaimed bog, provided ten acres shall be reclaimed from tithe, generally for seven years; but why not, as in England, exempt all newly-reclaimed ground from all manner of tithe for seven years?

Here Mr. Grattan mentioned, that he learned, in some of the western parts of the county of Cork, they rated the mountaineers higher than in many parts of the richest low land; charging them by the spade length, a sum, which, when applied to the acre, was equal to 20*s.* or 30*s.* the plantation acre. These parts, and their inhabitants, he understood, were entirely consigned to the dominion of the tithe-proctor or tithe-farmer, and were equally savage, oppressed, and turbulent.

This encroachment (said Mr. Grattan), this disproportion, and this excess, which I have already particularized, are the more to be lamented, because the law does not administer the remedy. The ecclesiastical courts I have proved to afford no redress whatever. I have shown that their judgments are not founded in moderation, and are not always founded in law.

The right of setting out the tithe has not always proved, in the case of the poor, a security against illegal demands, and does not affect to be a security against unconscionable demands.

By the law, the tenant must give forty-eight hours' notice, and bind himself to a day, whether fair or foul. In the case of potatoes, he must, if the parson does not choose to attend, leave the ridge in the field, which may prevent his sowing winter corn, and be the difference between the profit on wheat and on oats. The tenant cannot dig his potatoes till October; he seldom does till November; and he must use them in August, because the stock of last year is exhausted. Now the digging a bowl of potatoes is, by construction in the ecclesiastical courts, the subtraction, not of the particular tithe, but of the tithes of the year: for simplicity of suit they construe subtraction of one prœdial tithe to be subtraction of the whole; and for extent of power, that is, for the sake of bringing the whole under their jurisdiction, they construe potatoes to be prœdial tithe. Thus, the necessity of the year brings the peasant under the lash of ecclesiastical authority, that great scourge of the farmer.

In the last year, the peasantry very generally set out their tithe, and the clergy, in several instances, refused to draw; they did so in several instances where there was no illegal combination, unless a combination among themselves, to deprive the peasant of a right to set out his tithes, and get an *ex post facto* law to collect their tithe in a new, summary, and

oppressive mode. Sir, it will be proved that the countryman has waited day after day until the parson should draw his tithe. It will be proved that he has left his crop in the field until it has become green. It will be proved that he has offered to the parson or proctor to hire them horses to draw their tithe. It will be proved that he has offered to draw it home at his own expense.

Here Mr Grattan read a notice from a landholder to a clergyman, informing him, that he should draw on such a day, and offering to lend the parson horses and cars, to draw his tithe wherever he should appoint; and he observed that the parson had refused. He also observed, that an offer had been made to a clergyman by a gentleman, to draw, keep, and preserve the tithe in the gentleman's haggard, if the clergyman did not choose to keep it in his own; which offer, Mr. Grattan stated to have been refused; the clergyman choosing to recover by a compensation, or an ex post facto law, which went to deprive the countryman of his common right, without any proof of his guilt.

That if such a bill was permitted, it would take from the countryman, in some of the cases mentioned above, not the tenth, but the fifth; for the tenant had lost by weather the tithe severed and set out, and was likely to pay another tithe by act of Parliament. That this would be not compensation, but robbery, and the worst species of robbery, robbery by authority of Parliament; it would be, to take the most decided and unconstitutional part, in a case where this House affected to take no part at all; and where it declined every kind of information whatsoever, to enable it to take any part with dignity, justice, or effect; and that, by such a step, we should put the Irish farmer, with respect to his tithe, on ground very different from that of the English farmer, and much more disadvantageously.

That the law in England does not require forty-eight hours. That where the tithe is left too long on the ground, the law of England gave the owner of the land an action on the case against the parson for his negligence. You give the parson, said he, a compensation for his negligence. If tithes set out remain too long on the ground, the law of England gives the owner of the land a right to take those tithes as damage faisant; if sued for them, he is to set forth how long they remained on the premises, and the jury (whom your bill excludes and thus indirectly stigmatizes), is to decide. By the law of England, the care of the tithe, after severance, rests with the parson. In England, where the tithe of corn was set out, and the parson would not take it, but prayed a

remedy in the ecclesiastical court, a prohibition against the parson was granted.

See how much more care the law of England takes of the husbandman; how much more attention it affords him than the law or the Parliament of Ireland; and it is one of the charges and allegations of the husbandman of the south.

That in certain parishes, the parishioners have duly and legally set out their tithes, have given due notice, and have taken all the legal steps; but that no person has attended on the part of the clergymen, under the expectation, they conceive, of getting some new method of recovery, hitherto unknown to the law, and tending to deprive, by a past operation, the parish of the benefit of its ancient right and privilege of setting out the tithe.

This oppression connects itself with another part of this subject; a very obnoxious, a very oppressive, and a very notorious part of it, the tithe-farmer. The farming of any revenue is a pernicious idea. It is the practice of absolute Kings, who, anxious about their riches, and careless about their people, get a fixed income from some desperate adventurer, and then let loose on the community this animal of prey, at once destitute of remorse, and armed with authority.

In free countries such a practice is not permitted. You would not allow it to the King, and you ought not to allow it to the church. It is an evil in politics, but a scandal in religion; and the more dangerous in the latter, because tithe being indefinite, the latitude of extortion is indefinite. The use of the tithe-farmer is to get from the parishioner what the parson would be ashamed to demand, and to enable the clergyman to absent himself from his duty; the powers of the tithe-farmer are summary laws and ecclesiastical courts; his livelihood is extortion; his rank in society is generally the lowest; and his occupation is to pounce on the poor, in the name of the Lord. He is a species of wolf left by the shepherd to take care of the flock in his absence. He fleeces both, and begins with the parson.

Here Mr. Grattan stated, that the tithe-farmer seldom got less than one-fourth of the money collected, but sometimes one-third. That there were instances where he got even more, and had reduced the parson to the state of a poor pensioner on his own living. That he had heard, that in one of the disturbed parishes, the parish had wished to come to a good understanding with the clergyman, and to pay him in person, but that the tithe-farmer had obstructed such an accommodation, and had, by his mercenary intervention, prevented concord, moderation, and composition;—

parishes were not only subject to one tithe-farmer, but, in some cases, were cursed with a legion of them. A non-resident clergyman shall employ a tithe-farmer, who shall set the tithe over again to two blacksmiths, who go among the flock like two vultures. A tithe-farmer shall, on being questioned, give the following account of himself: That he held the tithe from one who had them from an officer, who held them from a clergyman who did not reside in a parish where there were resident no dean, no rector, no vicar, no schoolmaster; where the whole business of Christianity, on the Protestant side, was transacted by a curate at 50*l.* a-year; and as the parish has been disturbed by the tithe-farmer or proctor, so has it in some cases been quieted in getting rid of him. I have known a case where the parish made with their clergyman the following agreement: "*Sir, we pay your proctor 800l. a-year, and he gives you 600l. We will give you 600l.* and become your collectors and your security." In another living, the parish paid the proctor 450*l.* a-year, and the proctor paid the parson 300*l.* The parishioners became the collector and the security, paid the clergyman 300*l.* a year, took for their trouble 30*l.*, and eased the parish of 120*l.*; the consequence was peace; and the more you investigate this subject, the more you will find that the disturbance of the people, and the exactions of the church, have been commensurate, and that the peace of the former has attended the moderation of the latter; nor is it only the excess of exaction which makes the tithe-farmer a public misfortune; his mode of collection is another scourge. He puts his charges into one or more notes, payable at a certain time; if not then discharged, he serves the countryman with a summons, charging him sixpence for the service, and one shilling for the summons; he then sometimes puts the whole into a Kerry bond, or instrument, which bears interest; he then either keeps the bond over his head, or issues out execution, and gets the countryman's body and goods completely into his power: to such an abuse is this abominable practice carried, that in some of the southern parts of Ireland the peasantry are made tributary to the tithe-farmer; draw home his corn, his hay, and his turf — for nothing; give him their labour, their cars, and their horses, at certain times of the year — for nothing. These oppressions not only exist, but have acquired a formed and distinct appellation — tributes; tributes to extortioners; tributes paid by the poor, in the name of the Lord. To oppression we are to add intoxication, the drunkenness and idleness which not seldom attend the method in which the tithe-farmer settles his accounts with the poor parishioners

devoted to his care; the place in which he generally settles these accounts, makes his bargains, and transacts his business, is the alehouse. He sometimes, I am told, keeps one himself, or he has a relation who gets a licence to sell ale and spirits — because his friend is employed by the church, and will bring him custom.

Do you, gentlemen, sign your leases in the alehouse? What should you think of a steward who made your tenants drunk, when he should collect your rents? and what should a clergyman think of his tithe-farmer who made his flock drunk when he collected or settled his tithes, and bathed in whisky this precious offering, this primæval property, held by some to be the very essence of religion, and not only ancient but divine?

To this loss of industry, you are to add the loss of revenue (where, as in some cases, I am told), the revenue-officer is the tithe-farmer, and in that most suspicious and deadly combination of fraudulent capacities, overcharges in tithe, and undercharges in tax; that is, compensates to the countryman, by robbing the King, and adds to the crime of exaction the offence of spoliation, and profits by both. I appeal to the commissioners of the revenue, whether they have not good reason to suspect such practices? and I appeal to some of a right reverend bench, whether this is the only commutation which, in their opinion, is practicable or proper? Under this head it is alleged, that in certain parishes in the south, tithe-farmers have oppressed, and do oppress His Majesty's subjects by various ways of extortion, by assuming to themselves, arbitrarily and cruelly, powers which the law does not give, and by making an oppressive use of those powers which the law has put into their hands. And this the parishioners are ready to verify on oath.

To these evils are we to add another, which is the principal source of them all — the uncertainty of tithe; the full tenth ever must be oppressive.

A tenth of your land, your labour, and your capital, to those who contribute in no shape whatsoever to the produce, must be oppression; they only think otherwise who suppose that every thing is little which is given to the parson; that no burden can be heavy, if it is the weight of the parson; that landlords should give up their rent, and tenants the profits of their labour, and all too little; but uncertainty aggravates that oppression; the full tenths ever must be uncertain as well as oppressive; for it is the fixed proportion of a fluctuating quantity, and unless the high priest can give law to the winds, and ascertain the harvest, the tithe, like that harvest, must be uncertain; but this uncertainty is aggravated by the

pernicious motives on which tithe frequently rises and falls. It frequently rises on the poor; it falls in compliment to the the rich. It proceeds on principles the reverse of the Gospel; it crouches to the strong, and it encroaches on the feeble; and is guided by the two worst principles in society, servility and avarice united, against the cause of charity, and under the cloak of religion.

Here let me return to and repeat the allegations, and call on you once more to make the enquiry. It is alleged, that in certain parishes of the south, tithe has been demanded and paid for what, by law, was not liable to tithe; and that the ecclesiastical courts have countenanced the illegal exaction; and evidence is offered at your bar to prove the charge on oath.

Will you deny the fact? Will you justify the fact? Will you enquire into it?

It is alleged, that tithe-proctors, in certain parishes of the south, do exact fees for agency, oppressive and illegal; and evidence to prove the charge is offered on oath. Will you deny the fact? Will you justify the fact? Will you enquire into it?

It is alleged, that in certain parishes of the south, tithes have been excessive, and have observed no equity for the poor, the husbandman, or the manufacturer; and evidence is offered to prove this charge on oath!

Will you deny the fact? Will you justify the fact? Will you enquire into it?

It is alleged, that in certain parishes of the south, ratages for tithes have greatly and unconscionably increased; and evidence is offered to prove this charge on oath. Will you deny the fact? Will you justify the fact? Will you enquire into it?

It is alleged, that in certain parishes of the south, the parishioners have duly and legally set out their tithe, and given due notice; but that no persons have attended on the part of the proctor or parson, under expectation, it is apprehended, of getting some new method of recovery, tending to deprive the parish of the benefit of its ancient right, that of setting out their tithe; and evidence is offered to prove this charge on oath.

It it alleged, that in certain parishes of the south, tithe-farmers have oppressed, and do oppress His Majesty's subjects, by various extortions, abuses of law, or breaches of the same; and evidence is offered to prove this charge on oath. Here, once more, I ask you, will you deny the fact? Will you justify the fact? Will you enquire into it.?

This being the state of the church in certain parishes in the south, I wish to know, what in the mean time within those districts becomes of religion? Here are the parson and parish at variance, about that which our religion teaches us to despise—riches. Here is the mammon of unrighteousness set up to interrupt our devotion to the true God. The disinterested, the humble, the apostolical character, during this unseemly contest, what becomes of it? Here are two powers, the power in the tenant to set out his tithe, the power in the church to try the matter in dispute by ecclesiastical jurisdiction; two powers vested by the law in the respective hands of church and laity, without any effect but to torment one another; the power of setting of tithe does not affect to defend the tenant against unconscionable demand; and if attended with combination, secures him against any effectual demand whatsoever. The power of trying the matter in dispute, by ecclesiastical jurisdiction, does not take place, except in cases of subtraction, and when it does take place, is a partial trial. Thus, as the law now stands, combination is the defence of laity, and partiality of the church.

The equity in favour of the tiller of the soil (a very necessary equity indeed) becomes a new source of disturbance, because the parties are not agreed what that equity should be; the countryman, not conceiving that any one can in equity have a right to the tenth of his land, labour, and capital, who does not own the land, nor plow, nor sow, nor reap, nor contribute, in any degree whatsoever, to the produce. The tithe-farmer having no idea, but that of iniquity on the subject. The parson, perhaps, conceiving that a tenth on tillage is a bare compensation in equity, for what he deems the greatest of all iniquity, your vote of agistment. Thus, the two parties, the parson and his parish, the shepherd and his flock, with opposite opinions, and mutual powers of annoyance, in the parts I have alluded to, seem to go on in a rooted animosity and silent war.

Conceive the pastor looking over the hedge, like a spy, to mulct the extraordinary labours of the husbandman.

Conceive him coming into the field, and saying, "You are a deserving husbandman; you have increased the value of your field by the sweat of your brow; Sir, I will make you pay me for that;" or conceive a dialogue between a shepherd and one of his flock; "I will take your tenth sheaf; and if you choose to vex me, your tenth hen, and your tenth egg, and your tenth goose" (not so the apostles); or conceive him speaking to his flock by parable, and saying, "The ass stopped with his burden; and his burden was doubled, and

still he stopped, and his burden was still increased; and then the perverse animal, finding his resistance in vain, went on; so even you shall find resistance but increase your load, until the number of acts of Parliament shall break your back."

These pastoral discourses, if they have taken place, however well intended, will not, I fear, greatly advance the cause of the faithful, particularly in a country where the numbers remain to be converted to the Protestant religion, not only by the superior purity of its doctrine, but by the mild disinterested peace-making spirit of its teachers.

Will not the dignitaries of the church interpose on such an occasion? How painful must it have been to them, the teachers of the Gospel; and, therefore, enemies to the shedding of blood, to have thought themselves under the repeated necessity of applying to Parliament for sanguinary laws. The most sanguinary laws on your statute-books are tithe-bills; the White-Boy act is a tithe-bill; the riot act, a tithe-bill.

How painful to those dignitaries must it be, to feel themselves in the office of making perpetual complaints against their own flock, and to be conscious, in some instances, of having jaded and digusted the ears of the court, by charges against the peasantry? How painful for them to have repeated recourse to the military in their own case, and to think that many of their sinful flock, but their flock notwithstanding, were saved from the indiscriminating edge of the sword by ecclesiastical zeal, tempered and withheld, and, in some cases, disappointed by the judicious mercy of military command?

We, the laity, were right in taking the strongest measures the last session: it was our duty to assert; but of these churchmen, it is the duty, and I suppose the nature, to deprecate, to incline to the mild, the meek, the dispassionate, and the merciful side of the question, and rather to prevent by moderation than punish by death.

Whether these exactions were in themselves sufficient to have produced all the confusion of the last year, I know not, but this I do believe, that no other cause had been sufficient without the aid of exaction; if exaction had not existed, the south would not, I believe, have been convulsed. A controverted election alone could not well have been an adequate cause; the objects of attack must, in some cases, have been something more than partizans, and the flame spread by contagion, the first touch must have been an accident, but the people were rendered combustible by oppression.

The White-Boy should be hanged; but I think the tithe-farmer should be restrained: I would inflict death on

the felon, and impose moderation on the extortioner; and thus relieve the community from the offences of both.

But do not let us so far mistake the case, as to suppose it a question between the parson and the White-Boy; or that the animosity which has been excited is confined to felons; no; it is extended far more generally; it is extended to those who have been active in bringing those felons to justice; and men will appear at your bar who have suffered under excess of demand, and have acted to restore peace, the instrument of quiet, and the objects of exaction; let us, therefore, examine the subject, and having already, with great propriety, taken the most decisive steps against the insurgent, let us enquire now into the cause of the outrage, and see whether exaction might not have had some share, at least, in the origin of it; and if so, let us strive to form some plan which may collect the riches of the church, without repetition of penal laws or of public disturbance.

In forming a plan for the better provision of the church, the first thing to be considered is the quantum of provision; the second consideration is the funds from whence that provision is to arise. The quantum of provision should be the usual net income on an average of years, except in some parishes of great exaction; I say usual, because I would not materially alter their allowance; I say, on an average of years, because I would not make recent encroachment on property; I say net, because when the public shall become the tithe proprietor's agent, the public will have a right to the benefit of the agency.

That their income is discoverable I affirm, and I affirm it under the authority of their own act, and their own practice. Without going farther back than the last session, you will find the compensation-act requires the person suing on the act to make a discovery of his customary income, and in some cases discovery of his ratages for three years back on oath; it requires that he should, in his affidavit, set forth that the valuation of 1786 is made, as near as possible, the ratage of the three former years; it requires that, where a valuation of the tithe of 1786 could not be made, a valuation of the customary tithe for three years back should; it enables the court to appoint persons to enquire into the fact, and call for parties and papers, and thus establishes two principles which were denied; that the annual income of benefices is discoverable, and that the particular ratage is discoverable also. I might go back to the act of Henry VIII. which requires that a commission should be directed to enquire into ecclesiastical benefices and to report the value of the same; and I might

further adduce the act of William III. which gives to the ecclesiastical person who builds, two-thirds of the sum expended, which sum is to be ascertained by a certificate; which certificate, by the 12th of George II. shall contain an account of the clear yearly income of the benefice. After these instances, I hope no man will deny that the income of the clergyman is discoverable; particularly, when the compensation-act of the last winter requires such a discovery to be made on the oath of the parson. That act was supported by the whole bench of bishops; it was probably framed with their advice and suggestions. They would not require their clergy to report on their oath what they themselves conceived, or had maintained to be impossible; as if it was impossible to make a discovery for the purpose of commutation, but, for the purpose of compensation, easy and obvious. Thus, when I affirm the discoverability of the clergyman's income, I have not only the authority of the church, but its oath. The net return should be the parson's perpetual income, subject to the exception stated above; but in order to guard him against the fluctuation of currency, I would fix the value of that income in grain; it should be the value of so many barrels of wheat, to be estimated every seven years by the corn-office, or the clerk of the market, who now quarterly strikes the average value of corn throughout the kingdom. Thus, his income should not be absolutely either corn or money; but the value of so much corn to be paid in money.

As to the fund from whence these receipts should arise, that fund should be a charge on the barony, to be levied like other county charges. This method is easy, for it is already in use; the head constable should be the parson's collector, and the county should be his security.

To this I know the objection, and it is an objection which can be best answered by those who make it. It will be said that this scheme prevents the division of unions, and the increase of poor livings. Apply the first fruits as they ought for the increase of poor livings, and the repairs of the church, and then you will answer your own argument; but a fictitious and remote valuation for the benefit of the rich clergy has been made of these charitable funds, frustrating the purpose of the charity equally to the neglect of the church and the poor. The luxury of the priest has usurped the funds of the poor and of the church, then sets up against both a miserable modus, and prescribes in this instance, against charity and religion.

However, if the dignitaries of the church will not, Parlia-

ment may answer this argument, and provide for more clergy as occasion shall permit. You imparish by act of Parliament; with proper provision, when you see the necessity, you may divide. The care of religion is placed no where better. than in the legislature. Popery will tell you, that when it was entirely left to the care of the priesthood, it was perverted and destroyed.

But, if objections should be made to this plan; and in order to give the church the growth of the country, there is another plan, a modus; let every article which shall be subject to tithe be set forth in a tithing table, with certain ratages annexed, let those ratages be taken, and set forth in the tithing table as now equivalent to so many stone of bread corn.

Let the act provide, that there shall be a septennial valuation of bread corn, by the clerk of the market, or the proper officer.

Let there be an exemption for the rudiments of manufacture, and a saving for all local custom and exemptions: such as potatoes in most places, hay in several, and such like.

In order to form this modus, which should be provincial, not universal, let four provincial committees be appointed. You will see a precedent in your journals; on the report of these provincial committees, form your bill. In your bill you will probably think proper to give agistment, or a certain sum for head-money, not in addition to, but in case of ratages on tillage.

In forming your ratages, you will probably enquire into the acreable ratages now established, and adopt them where they are reasonable, and reject them where they are exorbitant: where there are no acreable ratages established, the contiguous parish or county, where they are established, will furnish you with a rule.

If once you appoint committees, the parson and parish will both come forth with information; and from both you will collect the present ratages, and be enabled to make a rule. In forming this rule, you will probably think proper to exempt the poor man's garden in the south from the tithe of potatoes.

The true principle, with respect to your peasantry, is exoneration; and if I could not take the burden entirely off their back, I would make that burden as light as possible; I would exempt the peasant's cow and garden from tithe; if I could not make him rich, I would do the next thing in my power; I would consider his poverty as sacred, and vindicate against an extortioner the hallowed circle of his little boundary. The loss to the church might be easily compensated, particularly if you give agistment or head-money in ease of tillage.

I would also relieve the north from small dues, as I would relieve the poor of the south from the tithe of potatoes; and where these small dues had long obtained, I would make the parson compensation, either by giving him head-money, or by making an estimate of these dues, and raising them in the way of other county charges.

Should it be said, that we should as well exempt the peasant from rent as well as from tithe; to that uncharitable and unchristian observation, I answer, no. The land is not his own, but his labour is his own. The peasant is born without an estate; he is born with hands, and no man has a natural right to the labour of those hands, unless he pays him: thus, when you demand of the peasants rent; you ask for your own estate; when you demand tithe, you ask for a portion of the peasant's estate, the poor man's only estate, the inheritance which he has in the labour of his hand, and the sweat of his brow.

Human laws may make alterations, and when made must be observed; but it should be the policy of human laws to follow the wisdom of the law of nature.

The result of these principles, and of these committees, proceeding on the rules I have submitted, would be the benefit of the church, as well as the relief of the farmer, for establishing a modus on the average ratages of a certain number of years, except in cases of exaction, you would give the church as much as they have at present, except in those instances of unconscionable demand; and as the ratages would come net to the owner of the tithe, you would, in fact, on this principle, give the church more; the spoil of the tithe-farmer would, therefore, enable you even to lower the ratage, and yet give more to the church; so that the result would probably be, that the moderate clergyman would get more, and the uncharitable clergyman would get less, which would be a distribution of justice, as well as of property.

Having once agreed on the modus, I would wish to give the clergy, or lay impropriator, for the recovery of their income, any mode they chose to appoint, civil bill, or any other method, and then you will save them the charge and disgrace of an expensive agency, which expense arises from the difficulty of the recovery, and the uncertainty of the demand; and if you add the facility and cheapness of collection, with the certainty of income, to the quantum, under the modus, on the principles I have stated, you will find the value of the church property would, even in the opinion of a notary public, be increased, though the imaginary claim would be circumscribed and diminished. This is no commutation, no innovation;

here is only a regulation of tithe, and an abolition of tithe-farmers, and of those abuses which have grown out of the uncertainty of tithe; it takes from tithe its deadly sting, — uncertainty, and makes it cease to be a growing penalty on extraordinary labour; and it puts the question directly to the moderation of the church. Will you insist on indefinite demand, and unconscionable ratage, as an essential part of the Christian religion, or the Protestant establishment? The Bible is the answer to this question, even though the clergyman should be silent; and therefore it is, that I press this method the more, because it does not involve the subject in speculation, nor rest the redress of the peasantry on the ingenuity of system, but makes that relief a matter of moderation, and of Christian charity. Were you disposed to go further, you might form, on this regulation, a commutation, whsch should more effectually relieve the plough, and should, at the same time, give the benefit of the growth of the country to the church: Let a person in each parish be appointed in vestry, by the parson and the parishoners, and if they do not agree, let each appoint their own, who shall every year make a return of acres under tillage to applotters, who shall make a valuation of the same according to a tithing table, such as I have stated, to be established by act of Parliament, and that valuation to be raised in the manner of other baronial charges. Thus the parson's income would increase with the extent of tillage, without falling principally on the plough. The principle of this plan, if you choose to go beyond a modus is obvious. The mechanical part of this, and of the other regulation which I have submitted, will be best detailed in the provincial committees, if you shall choose to appoint them; for, in fact, your plan must arise out of the enquiry, and the resolutions of these committees; and the great difficulty on the subject, is your aversion to the enquiry. There are other difficulties, I allow; the difficulties of pride, the difficulties of passion, the difficulties of bigotry, contraction of the head, and hardness of the heart.

"Tithes are made more respectable than, and superior to, any other kind of property. The high-priest will not take a parliamentary title;" that is, in other words, he thinks they have a divine right to tithe.

Whence? None from the Jews; the priesthood of the Jews had not the tenth; the Levites had the tenth because they had no other inheritance; but Aaron and his sons had but the tenth of that tenth; that is, the priesthood of the Jews had but the hundredth part, the rest was for other uses; for the rest

of the Levites, and for the poor, the stranger, the widow, the orphan, and the temple.

But supposing the Jewish priesthood had the tenth, which they certainly had not, the Christian priesthood does not claim under them. Christ was not a Levite, nor of the tribe of Levi, nor of the Jewish priesthood, but came to protest against that priesthood, their worship, their ordinances, their passover, and their circumcision.

Will a Christian priesthood say, it was meet to put down the Jewish, but meet likewise to seize on the spoil? as if their riches were of divine right, though their religion was not; as if Christian disinterestedness might take the land, and the tithe given in lieu of land, and possessed of both, and divested of the charity, exclaim against the avarice of the Jews!

The apostles had no tithe; they did not demand it. They and He whose mission they preached, protested against the principle on which tithe is founded. "Carry neither scrip, nor purse, nor shoes; into whatsoever house ye go, say, peace."

Here is concord, and contempt of riches, not tithe. "Take no thought what ye shall eat, or what ye shall drink, nor for your bodies, what ye shall put on;" so said Christ to his apostles. Does this look like a right in his priesthood to a tenth of the goods of the community?

"Beware of covetousness; seek not what ye shall eat, but seek the kingdom of God."

"Give alms, provide yourselves with bags that wax not old; a treasure in heaven which faileth not." *This does not look* like a right in the Christian priesthood to the tenth of the goods of the community exempted from the poor's dividend.

"Distribute unto the poor, and seek treasure in heaven."

"Take care that your hearts be not charged with surfeiting and drunkenness, and the cares of this life."

One should not think that our Saviour was laying the foundation of tithe, but cutting up the roots of the claim, and prophetically admonishing some of the modern priesthood. If these precepts are of divine right, tithes cannot be so; the precept which orders a contempt of riches, the claim which demands a tenth of the fruits of the earth for the ministers of the Gospel.

The peasantry, in apostolic times, had been the object of charity, not of exaction. Those to whose cabin the tithe-farmer has gone for tithe of turf, and to whose garden he has gone for the tithe-potatoes, the apostles would have visited likewise; but they would have visited with contribution, not

for exaction: the poor had shared with the apostles, though they contributed to the churchman.

The Gospel is not an argument for, but against the right-divine of tithe; so are the first fathers of the church,

It is the boast of Tertullian, "*Nemo compellitur sed sponte confert hæc quasi deposita sunt pietatis.*"

With us, men are not under the necessity of redeeming their religion; what we have is not raised by compulsion; each contributes what he pleases; *modicam unusquisque stipendium vel cum velit, et si modo velit, et si modo posset;* what we receive, we bestow on the poor, the old, the orphan, and the infirm.

Cyprian, the bishop of Carthage, tells you, the expenses of the church are frugal and sparing, but her charity is great; he calls the clergy his *fratres sportulantes;* a fraternity living by contribution!

"Forsake," says Origen, "the priests of Pharaoh, who have earthly possessions, and come to us who have none; we must not consume what belongs to the poor; we must be content with simple fare, and poor apparel."

Chrysostome, in the close of the fourth century, declares, that there was no practice of tithes in the former ages; and Erasmus says, that the attempt to demand them was no better than tyranny.

But there is an authority still higher than the opinions of the fathers, there is an authority of a council, the council of Antioch, in the fourth century, which declares, that bishops may distribute the goods of the church, but must take no part to themselves, nor to the priests that lived with them, unless necessity required them justly; "Have food and raiment; be therewith content."

This was the state of the church in its purity; in the fifth century, decimation began, and Christianity declined; then, indeed, the right of tithe was advanced, and advanced into a style that damned it. The preachers who advanced the doctrine, placed all Christian virtue in the payment of tithe. They said, that the Christian religion, as we say the Protestant religion, depended on it. They said, that those who paid not their tithes, would be found guilty before God; and if they did not give the tenth, that God would reduce the country to a tenth. Blasphemous preachers! gross ignorance of the nature of things! impudent familiarity with the ways of God! audacious, assumed knowledge of his judgments, and a false denunciation of his vengeance! And yet even these rapacious, blasphemous men, did not acknowledge to demand tithes for themselves but the poor; alms! the debt of charity,

the poor's patrimony. "We do not limit you to a precise sum; but you will not give less than the Jews;" *decimæ sunt tributa egentium animarum, redde tributa pauperibus.* Augustine goes on, and tells you, that as many poor as die in your neighbourhood for want, you not paying tithe, of so many murders will you be found guilty at the tribunal of God; *tantorum homicidiorum reus ante tribunal Eterni Judicis apparebit.* "Let us," says St. Jerome, "at least follow the example of the Jews, and part of the whole give to the priest and the poor." To these authorities we are to add the degree of two councils, the provincial council of Macon, in the close of the sixth century, and the decree of the council of Nantz, in the close of the ninth. The first orders that tithes may be brought in by the people, that the priest may expend them for the use of the poor, and the redemption of captives. The latter decrees that the clergy are to use the tithes, not as a property, but a trust; *non quasi suis sed commendatis.*

It was not the table of the priest, nor his domestics; nor his apparel, nor his influence, nor his ambition, but a Christian equipage of tender virtues, the widow, the orphan, and the poor; they did not demand the tithe as a corporation of proprietors, like an East-India Company, or a South-Sea Company, with great rights of property annexed, distinct from the community, and from religion; but as trustees, humble trustees to God, and the poor, pointed out, they presumed, by excess of holiness and contempt of riches. Nor did they resort to decimation, even under these plausible pretensions, until forced by depredations committed by themselves on one another. The goods of the church, of whatever kind, were at first in common distributed to the support of the church, and the provision of the poor; but at length, the more powerful part, those who attended the courts of princes, they who intermeddled in state affairs, the busy high-priest, and the servile, seditious, clerical politician; and particularly the abbots who had engaged in war, and had that pretence for extortion, usurped the funds, left the business of prayer to the inferior clergy, and the inferior clergy to tithe and the people!

Thus the claim of tithe originated in real extortion, and was propagated by affected charity; at first, for the poor and the church, afterwards subject to the fourfold division, the bishop, the fabric, the minister, and the poor; this in Europe!

In England, tithe is not founded on divine right, but was said to be introduced by murder. A king of Mercia, in the seventh century, assassinates another prince in a most bar-

barous manner, and grants, with what power I know not, the tenth of his subjects' goods, for absolution; but in England, as elsewhere, the fourfold division took place. So says Blackstone.

Nay, the preamble of the grant of Stephen recognizes tithe to be alms:

"Since it is divulged, far and near, by the church, that souls may receive absolution by the grant of alms, I, Stephen, to save my own soul, that of my father's, and that of my mother's, and my relations."

Then he goes on; and grants or confirms tithes and other things.

Nay, there are two acts of Parliament express, one the 13th Richard II. providing that, for the appropriation of benefices, there shall be provision made for the vicar and the poor. *.

The cause of this act of Parliament were benefices given to persons who did not, or could not preach, lay persons, sometimes nuns, (as we give them to non-residents,) to the neglect of the poor's portion.

These principles were departed from, and the trust most undoubtedly buried in oblivion; but, let me add, the Christian religion was forgotten likewise.

Hence, the Reformation bringing back Christianity to its old purity; and hence a superior and milder order of priests, who purged the spiritual and some of the temporal abominations, but did not entirely relinquish the claim to the tithe; though I must own great numbers have too much purity to insist on it; a claim which I have shown to have been in its creation an encroachment on the laity, and in its application, an encroachment on the poor. No divine right; no, nor natural right: the law of nature and the law of God are the same; the law of nature doth not give property, but the law of nature abhors that disproportion of property which is to be found in the claim of 900 or 1000 men to the tenth of the goods of 3,000,000; a claim in the 3000th part of the community to the tenth of its property; surfeit on the part of the few; famine on the part of the many; a distribution of the fruits of the earth; impossible, beastly, shocking in itself, and,

* Because divers damages and hindrances have oftentimes happened by the appropriation of benefices in some places, it is agreed, that in every licence it shall be expressly comprised, that the diocesan of the place shall ordain, according to the value of such churches, a convenient sum of money shall be paid and distributed yearly, out of the fruits and profits of some churches, to the poor parishioners of some churches, in aid of their sustenance for ever; likewise, that the vicar be well and sufficiently endowed. Statute Henry IV. confirms this act.

when accompanied with a claim to extravagant moderation and purity, ridiculous and disgusting! a claim against the proportions of nature and the precepts of the Gospel!

I know there are acts of Parliament on this subject. The act of Henry VIII. which requires the setting out of the tithe; an act of collection, not creation; an act which had the lay impropriator in view, and which seems to take for granted a claim of superstition, founded on the pretence of charity. I know there are many subsequent acts (which are called tithe-bills) intended to assist the collection of customary, not full tithe, and in that confidence granted by Parliament.

I am not now enquiring whether the claim to the full tithe is legal, but whether the application of that tithe, for the sole purpose of supporting the priest, is usurpation. And I have shown you that tithe was a charity, subject to the support of the poor in the first place, and the priest in the last. I have shewn you, that tithe does not stand on the delicate ground of private property. I have shown you that it was a trust, converted into a property, by abuse; which abuse the legislature may control, without sacrilege or robbery. If a right to the full tenth is yet insisted on, give them the full tenth, on the principles on which alone they at first ventured to demand it; subject to a poor-rate. Let the trust be executed; let widows and orphans share it; let the house of industry, and the various hospitals and infirmaries, share it. Let the house of God (now an hovel repaired at the expense of Parliament, though, by the canon law, it should be repaired by the priesthood) share it; let the poorer order of the peasantry share it. If the clergy will insist on taking the full tithes of his potatoes; if they take the staff out of his hands, they must carry the peasant on their shoulders.

Thus, the clergy, insisting on the *summum jus*, and the laity on the *summa justitia*, the former would not be richer by the change. I should, on such a change, condole with the church, and congratulate the poor; and I should applaud the discretion, as well as the moderation, of those excellent pastors, who did not rake up, from the ashes of superstition, this claim to the tenth, but were satisfied with competence and character, and brotherly love, and a right to live by their ministry; a right, set forth in the Gospel, and which nature had set forth, even though the Gospel had been silent.

Impracticable! impracticable! impracticable, a zealous divine will say; any alteration is beyond the power and wisdom of Parliament; above the faculties of man to make adequate provision for 900 clergymen, who despise riches. Were it to raise a new tax for their provision, or for that of a body less holy,

how easy the task! how various the means! but, when the proposal is to diminish a tax already established; an impossibility glares us in the face, of a measure so contrary to our practices both in church and state.

If you think the property of the church divine, and that when you affect it at all, you touch on holy things, then call the proposal, profane, sacrilegious, blasphemous; but never call the proposal impracticable. How are the clergy paid in Holland? by fixed salary; how in Scotland? by fixed salary; never less than 1000 marks, nor more than 3000. Are the clergy in Scotland deficient? Has history no obligation to the clergy of that sagacious people; how are the civil, military, and revenue establishments paid in Ireland? by fixed salary. You have not found it difficult, but fatally facile to create such salaries. In these last twenty years, you have created not a few, and you have done this for laymen, to whom salary was the principal object; but for the church, where the provision, the temporal consideration, is but secondary; a moderate means for the support of the great duty of prayer; to suppose the regulation of that provision impracticable, annexes a most transcendant importance to what is gross and temporal, and a comparative insignificance to what is pure and spiritual, and throws a certain complexion of grossness, and inabstinence, on certain devout and most learned controversialists. If, indeed, you conceive what is given in commutation should be equal to the tenth of your produce, the impracticability is admitted. While I admire the enormity of the suggestion, I acknowledge the impracticability of the execution of it. I believe the legislature will never agree to give them the tenth either in commutation or tithe; both are impracticable; such a claim, and such a commutation! that 900 men should have the tenth of the property of 4,000,000, and you will find we are much more; the custom of the country, the modus of several places, your own vote of agistment, and above all, the interest of religion and of frugal piety, forbid it; give them the tenth, and you give away your religion; but if you mean a commutation for customary profits, not extravagant claims, I think I have shown you that commutation is not impracticable; I have shown you how their present livings can be discovered, and can be commuted. The value is not an impenetrable mystery; there is hardly a parish in which you could avoid to find twelve respectable parishioners who would ascertain their ratages, and their income; nor is there a clergyman who could not tell you, nor a tithe-farmer, nor a tithe-proctor, nor a bishop, for he, in his traffic with the minister about translation, generally gives in a schedule of

the value of the livings in his diocese. I think it unnecessary to add, that there are several acts, and one of the last session, requiring such a discovery, and the ratages in certain cases to be made on oath.

Men are apt to argue as if an error in that discovery might be fatal, as if the essence of religion was in the quantum of solid food, and as if 30*l.* a year more, or 30*l.* less, would be a difference decisive as to the propagation of the Gospel. The inaccuracy that may attend the various ways of information on this subject cannot be much, and, if it shall, in a small degree, lower the great livings, and raise the small, cannot be fatal.

I should not wish to give the ministers of the Gospel less than they have at present, except in some cases of hardship and extortion; but suppose some of them did receive less, would the church fall? The importance and the difficulty of accuracy on this question are both overrated.

This objection of impracticability, therefore, against a commutation is but a pretence, and against a modus is not even a pretence; or is it impracticable to enquire into the present ratages, and on that information to proceed? If so, if this step is impracticable, the abuses that grow out of tithes are incurable; and then you ought to reject the system of tithe as an incorrigible evil, and recur to another mode of paying your clergy. If a modus is impossible, a commutation is necessary.

We are too apt to conceive public cares impracticable; every thing bold and radical, in the shape of public redress, is termed impracticable.

I remember when a declaration of right was thought impracticable; when the independency of the Irish Parliament was thought impracticable; when the establishment of a free trade was thought impracticable; when the restoration of the judicature of our peers was thought impracticable; when an exclusion of the legislative power of the council was thought impracticable; when a limited mutiny-bill, with Irish articles of war in the body of it, and the declaration of right in its front, was thought impracticable; when the formation of a tenantry-bill, for securing to the tenantry of Ireland their leasehold interest, was thought impracticable; and yet those things have not only come to pass, but form the base on which we stand. Never was there a country to which the argument of impracticability was less applicable than Ireland. Ireland is a great capacity not yet brought into *action*; much has been civilized, much has been *reclaimed*, but something is to be redressed; the lower orders of the people

claim your attention; the best husbandry is the husbandry of the human creature. What! can you reclaim the tops of your mountains, and cannot you improve your people? Every animal, except the tiger, (as I have heard), may be tamed; the method is to feed, to feed after a long hunger; you have with your own peasantry began the process, and you had better complete the experiment.

Inadequate! inadequate! interposes the advocate for exaction, the rich will intercept the relief intended by Parliament.

This objection supposes the condition of the peasantry to be poor in the last degree; it supposes that condition to arise from various complicated causes; low price of labour, high price of land, number of absentees, and other causes; and it refers the poor to the hangman for regulation, and to Providence for relief; and it justifies this abandonment of one part of the community, by a crimination of the other: on a surmise that the upper orders of men in this country are complete extortioners, and would convert abatement of tithe into increase of rent, and thus intercept the justice of Parliament. Here I must absolutely and instantly deny the fact; the landlords are not as described; expensive frequently, I allow; but an hospitable, a humane, and affectionate people; the genius of the Irish nation is affection; the gentlemen are not extortioners by nature, nor (as the tithe-farmer is) by profession. In some cases they do set their land too high, in many not; and on that head they are daily becoming more reasonable.

Your magistracy-bill, your riot-act, your compensation-bill, what becomes of the authority of these laws with the lower orders, if you argue them into a conviction that the landlords of Ireland, that is, the landed interest, who passed these acts in their collective capacity, are, in their individual capacity, but so many extortioners? Look to the fact, to their leases for thirty-one years, or three lives; look to their lands. See the difference between the lands of laymen, who have an interest in the inheritance, and of churchmen, who have only the *esprit de corps*, that is, a false and barren pride, in the succession! Look to the landlords' conduct — they passed a tenantry-bill; the bishops rejected a lease-bill, and have almost uniformly resisted every bill that tended to the improvement of the country, if, by the remotest possibility, their body could be in the smallest degree prejudiced in the most insignificant of its least warrantable pretensions; but if still you doubt, call forth the tenantry, and put the question to them; do not take your opinion from the oppressor; ask the oppressed, and they will tell you, what we know already, that

the great oppression is tithe; the middle-man's over-reaching, as in many instances I acknowledge he is, compared to the tithe-farmer's, is mercy. Suppose him as destitute of compunction, he is not armed with the same powers of torture, though he had the same genius for oppression; he has not his own tribunals, nor can he put the countryman to expence of attending on vicars' courts, nor of watching his crop, nor of delaying his harvest home, nor of notices, nor summonses, nor of drinking at his alehouse, while the value of the tithe is computed, nor of all that train of circumstances and charge with which the uncertain dues of the church are now collected, at the expence of the morals of the people.

But if the charge was founded in fact, it is not an argument, and has nothing to say to the question, where similar exertions of oppression, if morally probable, are rendered legally impossible. The landlord cannot, in consequence of exemption from tithe, raise his rent on his lessees, during the continuance of the term. Now, do you imagine that it is the cottager only, and not the lessee also, that complain of tithe; they are both aggrieved; the tenantry of Ireland are aggrieved; the lessee, therefore, must be relieved by the plan, and the cottager cannot be equally oppressed, because he agrees for his rent before he sows his crop; but pays his tithe afterwards; the latter of course must be, and the former cannot be, a charge for his extraordinary labour. Rent is a charge on land, tithe on labour; the one definite, the other indefinite; they are not convertible; increase your rent under any pretence, still it must avoid the essential evil of tithe; the evil of being arbitrary; a tax rising with industry. Suppose the severest case, one pound an acre advanced rent for potatoe ground, the cottager, by extraordinary labour, works himself comparatively out of his rent, and into a greater tithe; thus extortion by rent, is but a cruel compulsion on extraordinary labour, but tithe a penalty.

There are certain arguments, which leading to something absurd and nonsensical, are stricken out of the tribe of logic; those arguments should meet the same fate which lead to something that is worse than either nonsense or absurdity, to cruelty and to oppression. Of this tribe is the reasoning I now combat, an argument which would leave the landlords without character, to leave the common people without redress. I condemn the premise, but I abhor the conclusion. What! should the clergy oppress the poor because the landlords (as is alleged) do so already? because the latter (as is alleged) over-value land, shall the church overcharge labour? because the peasant pays (as is alleged) sometimes five or six pounds

per acre for his land, shall he pay twelve or twenty shillings to the parson for his potatoes? The premises of this argument impeach the character of the higher order, and the conclusion would steel one order against the other, and the result of such reasoning would leave you (what it affects to find you) wicked and miserable; and common sense and Christian charity lift up their hands against such an opprobrious premise, and such a pernicious conclusion.

If such were the state of our country, the church should interpose and give a good example, and not follow a bad one; they should say, we will take the lead; we will ourselves moderate the exactions which oppress the poor; if the rich take the advantage, and frustrate our pious intention, we are not in fault; the character of religion is free; her ministers do not participate in the plunder of the people. The vote of agistment left the measure I propose practicable, and made it necessary; by that vote you sent the parson from the demesne of the gentleman into the garden of the cottager; by that vote you said you shall not tax us; it remains for you to say, you shall not tithe the poor unconscionably; but going as far as that vote and no farther, you declare to the proprietors of tithe, "Tithe the poor as you please, provided we do not pay you;" and this is what some mean by their zeal in the support of the church; this is the more exceptionable, when you recollect, that of the poor who pay your clergy, there are numbers of a different religion, who of course receive no consideration from your clergy, and must pay another clergy. The Protestant interest may require that these should contribute to the Protestant establishment; but, the proportion and the manner in which you now make them contribute, redounds but little to Protestant honour, either in church or state.

Aye; but will you encourage tumult? Will you reward the White-Boy? Will you give a premium to disturbance? Sir, do not advert so lightly to the state of this country, nor pass so superciliously over general distress, as to think that the Right-Boy or White-Boy, (or by whatever other vagrant denomination tumult delights to describe itself) are the only persons who suffer by the present state of tithes; there are two other descriptions who are oppressed by them; those who did nothing in the late disturbance, and those who took part to quell them. Can you suppose so many would have been neutral in the suppression, if they had not been a party to the oppression? And have you complained of the languor of your magistracy, and the supineness of the Protestant country gentleman, without adverting to the reason? The tumult was confined, but the suffering was extensive. But

there is another body of men who suffer; they who took part to suppress. Have they any pretensions? Do you deny that they are sufferers? they will come to the bar and prove it; they will prove two things very material, very worthy your attention; their merit and their suffering.

Yes; but will you innovate? Admit this argument, and we sit here to consecrate abuses. The statutes of mortmain were innovations; the suppression of monasteries innovation; the reformation innovation; for, what is the Protestant religion, but the interposition of Parliament, rescuing Christianity from abuses introduced by its own priesthood?

Institutions, divine and human, corrupt by their nature or by ours; the best human institution, the British constitution, did so corrupt, that, at different periods, it was anarchy, oligarchy, despotism; and was restored by Parliament.

The only divine institution we know of, the Christian religion, did so corrupt, as to have become an abomination, and was rescued by act of Parliament.

Life, like establishments, declines; disease is the lot of nature; we oppose its progress by strong remedies; we drink a fresh life at some medicinal fountain, or we find a specific in some salubrious herb: will you call these restoratives innovation on the physical economy? Why then, in the political economy, those statutes which purge the public weal, and from time to time guard that infirm animal, man, against the evils to which civil society is exposed, — the encroachments of the priest and the politician?

It is then on a false surmise of our nature, this objection; we live by a succession of amendment; such is the history of man, such, above all, is the history of religion, where amendment was even opposed; and those cant expressions, the supporting church and state, were ever advanced to continue the abuses of both. On those occasions, prejudices, from the ragged battlement of superstition, ever screened innovation. When our Elizabeth established the Protestant religion, she was called an innovatress; when Luther began the Reformation, he was called an innovator; nay, when Herod and the high priest Caiphas (and high priests of all religions are the same) heard that one had gone forth into the multitude preaching, gathering the poor like the hen under her wing; saying to the rich, give unto the poor, and look for treasures in Heaven, and take heed that your hearts be not overcharged with luxury, surfeit, and the cares of this life; I say, when Herod and the high priest saw the Author of the Christian religion thus giving comfort and countenance, and hope to the poor, they were astonished, they felt in his

rebuke of their own pomp and pride, and gluttony and beastliness, great innovation: they felt in the sublimity of his moral, great innovation; they saw in the extent of his public care, great innovation; and, accordingly, they conspired against their Saviour as an innovator; and under the pretence of supporting what they called the church and state, they stigmatized the redemption of man, and they crucified the Son of God!

If we were desirous to retort on the church the argument of innovation; its own history is fertile: what is the idea of property in the church, but an innovation? their conversion of property from the great body of the Christians, to their own use? innovation; their temporal power? innovation; their application for donations, equal to a tenth? innovation; their conversion of those donations to their own use? innovation; their excluding the fabric of the church, as well as the poor, from the benefit of those donations? innovations; their various tithe-bills? innovation; their riot-act? innovation; their compensation-act? innovation!

To judge of the objection of innovation against my plan, see what that plan does not do.

It does not affect the doctrine of our religion; it does not alter the church establishment; it does not affect the constitution of episcopacy. The modus does not even alter the mode of their provision, it only limits the quantum; and limits it on principles much less severe than that charity which they preach, or that abstinence which they inculcate. Is this innovation? as if the Protestant religion was to be propagated in Ireland, like the influence of a minister, by bribery; or like the influence of a county candidate, by money; or like the cause of a potwalloping canvasser, by the weight of the purse; as if Christ could not prevail over the earth, unless Mammon took him by the hand. Am I to understand, that if you give the parson 12*s.* in the acre for potatoes, and 10*s.* for wheat, the Protestant religion is safe on its rock; but if you reduce him to 6*s.* the acre, for potatoes and wheat, then Jupiter shakes the Heavens with his thunder, Neptune rakes up the deep with his trident, and Pluto leaps from his throne? See the curate; he rises at six to morning-prayers; he leaves company at six for evening-prayer; he baptizes, he marries, he churches, he buries, he follows with pious offices his fellow-creature from the cradle to the grave; for what immense income! what riches to reward these inestimable services? (Do not depend on the penury of the laity, let his own order value his deserts;) 50*l.* a year! 50*l.*! for praying, for christening, for marrying, for churching, for burying, for

following with Christian offices his fellow-creature from cradle to grave; so frugal a thing is devotion, so cheap religion, so easy the terms on which man may worship his Maker, and so small the income, in the opinion of ecclesiastics, sufficient for the duties of a clergyman, as far as he is connected at all with the Christian religion.

I think the curate has by far too little; bloated with the full tenth, I think the church would have abundantly too much.

The provision of the church is not absolute property, like an estate, but payment for a duty: it is salary for prayer, not the gift of God independent of the duty. He did not send his Son to suffer on earth, to establish a rich priesthood, but to save mankind; it is the donation of the laity, for the duty of prayer. The labourer deserves hire for doing his *duty*; he is paid not as a high priest, but a pastor in his evangelic, not his corporate capacity; when he desires to live by his ministry, he demands his right; when he desires the tenth of your wealth, he demands your right; and he presumes riches to be the right of the church, instead of supposing, what he ought, the Gospel to be the right of the people, and competency for preaching the Gospel, not luxury, to be the right, as it is the profession, of the church. A provision for the minister of the Gospel on its own principles, keeping clear of the two extremes; poverty on one side, and riches on the other; both are avocations from prayer; poverty, which is a struggle how to live, and riches, which are an occupation how to spend. But of the two extremes I should dread riches; and above all, such indefinite riches as the tenth of the industry, capital, and land of 3,000,000 would heap in the kitchens of 900 clergymen; an impossible proportion; but, if possible, an avocation of a very worldly kind, introducing gratifications of a very temporal nature; passions different from the precepts of the Gospel. Ambition, pride, and vain-glory, add to this acquisition of the tenth; the litigation which must attend it, and the double avocation, of luxury and law; conceive a war of citations, contempts, summonses, civil bills, proctors, attornies, and all the voluminous train of discord, carried on at the suit of the man of peace; by the plaintiff in the pulpit, against the defendants, his congregation. It is a strong argument against the tenth, that such claim is not only inconsistent with the nature of things, but absolutely incompatible with the exercise of the Christian religion. Had the apostles advanced among the Jews pretensions to the tenth of the produce of *Judea*, they would not have converted a less perverse *generation*; but they were humble and inspired men; they went forth in humble guise, with naked foot, and brought to every man's

door, in his own tongue, the true belief; their word prevailed against the potentates of the earth; and on the ruin of Barbaric pride, and pontific luxury, they placed the naked majesty of the Christian religion.

This light was soon put down by its own ministers, and, on its extinction, a beastly and pompous priesthood ascended. Political potentates, not Christian pastors, full of false zeal, full of worldly pride, and full of gluttony, empty of the true religion. To their flock oppressive, to their inferior clergy brutal, to their king abject, and to their God impudent and familiar; they stood on the altar, as a stepping-stool to the throne, glozing in the ear of princes, whom they poisoned with crooked principles and heated advice, and were a faction against their king when they were not his slaves; the dirt under his feet, or the poniard in his heart.

Their power went down; it burst of its own plethory, when a poor reformer, with the Gospel in his hand, and with the inspired spirit of poverty, restored the Christian religion. The same principle which introduced Christianity, guided reformation. What Luther did for us, philosophy has done, in some degree, for the Roman Catholics, and that religion has undergone a silent reformation; and both divisions of Christianity, unless they have lost their understanding, must have lost their animosity, though they have retained their distinctions. The priesthood of Europe is not now what it was once; their religion has increased as their power has diminished. In these countries particularly, for the most part they are a mild order of men, with less dominion and more piety, therefore, their character may be, for the most part, described in a few words — morality, enlightened by letters, and exalted by religion. Such, many of our parochial clergy, with some exceptions however, particularly in some of the disturbed parts of the kingdom; such some of the heads of the church; such the very head of the church in Ireland. That comely personage who presides over a vast income, and thinks he has great revenues, but is mistaken; being, in fact, nothing more than the steward of the poor, and a mere instrument in the hand of Providence, making the best possible distribution of the fruits of the earth.

"Of all institutions," says Paley, "adverse to cultivation, none so noxious as tithe; not only a tax on industry, but the industry that feeds mankind."

It is true, the mode of providing for the church is exceptionable, and in some parts of Ireland has been, I apprehend, attended with very considerable abuses; these are what I wish to submit to you. You will enquire whether, in some cases,

the demands for tithes have not been illegal, the collection of them oppressive, the excess of demand uncharitable, and the growth of it considerable and oppressive. Whether, in all cases, the tithe-farmer has been a merciful pastor, the tithe-proctor an upright agent, and even the vicar himself a most unbiassed judge.

In this enquiry, or, in forming some regulations for this enquiry, you will not be withheld by the arguments of pride, bigotry, and prejudice; that argument which, reflecting on God, maintains the sacred rights of exaction; that other argument which, reflecting on Parliament, denies your capacity to give redress; that other argument which, reflecting on human nature, supposes that you inflame mankind by redressing their grievances; that other argument which traduces the landed interest of Ireland as an extortioner, and belies one part of the community to continue the miseries of the other; an argument of calumny, an argument of cruelty. Least of all, should you be withheld by that idle intimation stuffed into the speech from the throne, suggesting that the church is in danger, and holding out, from that awful seat of authority, false lights to the nation, as if we had doated back to the nonsense of Sacheveral's days, and were to be ridden once more by the fools and bigots. Parliament is not a bigot; you are no secretary, no polemic; it is your duty to unite all men, to manifest brotherly love and confidence to all men. The parental sentiment is the true principle of government. Men are ever finally disposed to be governed by the instrument of their happiness; the mystery of government, would you learn it? Look on the Gospel, and make the source of your redemption the rule of authority; and, like the hen in the Scripture, expand your wings, and cover all your people.

Let bigotry and schism, the zealot's fire, the high-priest's intolerance, through all their discordancy, tremble, while an enlightened Parliament, with arms of general protection, overarches the whole community, and roots the Protestant ascendancy in the sovereign mercy of its nature. Laws of coercion, perhaps necessary, certainly severe, you have put forth already, but your great engine of power you have hitherto kept back; that engine, which the pride of the bigot, nor the spite of the zealot, nor the ambition of the high-priest, nor the arsenal of the conqueror, nor the inquisition, with its jaded rack and pale criminal, never thought of; the engine which, armed with physical and moral blessing, comes forth and overlays mankind by services — the engine of redress; this is government, and this the only description of govern-

ment worth your ambition. Were I to raise you to a great act, I should not recur to the history of other nations; I would recite your own acts, and set you in emulation with yourselves. Do you remember that night when you gave your country a free trade, and with your own hands opened all her harbours? That night when you gave her a free constitution, and broke the chains of a century, while England, eclipsed at your glory and your island, rose as it were from its bed, and got nearer to the sun? In the arts that polish life, the inventions that accommodate, the manufactures that adorn it, you will be for many years inferior to some other parts of Europe; but, to nurse a growing people, to mature a struggling, though hardy community, to mould, to multiply, to consolidate; to inspire, and to exalt a young nation, be these your barbarous accomplishments!

I speak this to you, from a long knowledge of your character, and the various resources of your soul; and I confide my motion to those principles not only of justice, but of fire, which I have observed to exist in your composition, and occasionally to break out in a flame of public zeal, leaving the ministers of the crown in eclipsed degradation. Therefore, I have not come to you furnished merely with a cold mechanical plan, but have submitted to your consideration the living grievances, conceiving that any thing in the shape of oppression made once apparent — oppression, too, of a people you have set free — the evil will catch those warm susceptible properties which abound in your mind, and qualify you for legislation.

The motion was opposed by Mr. Browne, member for the college, Mr. Parsons, and the Attorney-general. They admired the ability with which the motion was brought forward; but they stated their conviction that it struck at the foundation of the church establishment, and tended to degrade its ministers by bringing evidence to the bar to arraign them. The clergy would be degraded if their income was diminished. The distresses of the people did not arise from tithes, but from the conduct of their landlords. They admitted, that where tithe of turf had been demanded, it was clearly illegal; but every commutation appeared to them to be impracticable.

Mr. Curran strongly supported the motion. He said that the pastor and the flock were at variance; and for the honour and security of both, an enquiry should be adopted. He would never consent to abridge any of the rights of the church which were established by law. The grievances were considerable, and some effort to relieve the people ought to be made; the more so, as the present administration had boasted so highly of their spirit of economy and reduction.

The House divided on Mr. Grattan's motion; — Ayes 49, Noes 121; Majority against Mr. Grattan's motion 72. Tellers for the Ayes, Mr. Grattan, Mr. Curran; for the Noes, the Attorney-general, Sir Hercules Langrishe.

TITHES.

THE SECRETARY OF STATE (MR. HUTCHINSON) MOVES THE BILL TO COMPENSATE THE CLERGY FOR THE LOSS OF TITHES.

February 16. 1788.

THE House went into a committee on the bill brought in by the Secretary of State "to enable all ecclesiastical persons and bodies, in certain counties and counties of cities, to recover a just compensation for the tithes withheld from them in the year 1787, in the several counties and counties of cities therein-mentioned, against such persons as were liable to the same." Mr. Hayes (of Avondale), Mr. William B. Ponsonby, and Sir Lucius O'Brien, made some objections to the bill; among others, to the clause which, in particular cases, dispensed with the trial by jury, and to that which gave the claims of the clergy for tithe a preference over the right of the landlord for his rent.

Mr. GRATTAN said: I believe the House will excuse me if I trouble them with some observations on what has fallen from the right honourable gentleman. To whatever he asserts of his own knowledge, I give the most unbounded confidence, but to what he has received from others, I cannot pay the same regard; that at best stands only on the same ground with the information I have received, and which I have stated to the House. Thus we have information against information, assertion against assertion. I honour and applaud the right honourable gentleman for the part he has taken in this business; it is what I expected from him; but I cannot, therefore, give up my own judgment, or shut my eyes to the facts that I have stated. The right honourable gentleman has stated the general average rates of several dioceses. I have stated the particular rates exacted in the disturbed parishes; the House is to judge of the subject; and this very difference between the statement of the right honourable gentleman and mine, proves the necessity of going into the committee, where no member's report of the matter should be taken, but where papers may be called for, and every fact verified upon the oaths of credible witnesses.

The right honourable gentleman has stated, that he has

had information from the best authority, from the bishops themselves; and he states an average. Now an average may be reasonable, and in particular cases very unreasonable; the moderation of one man may be set off against the rapacity of another, and in general accounts cover his exaction: this is rewarding avarice and punishing Christian liberality. I have not, therefore, gone upon a general average, but on the exactions practised in particular parishes. The right honourable gentleman has stated, that tithes have not been raised in their value for the last twenty or thirty years in the dioceses of Cork and Ross. Now, upon this point also, I am ready to join issue with him, and if I do not show that in some of the most moderate parishes they have risen from four and five shillings for wheat and potatoes, to seven and eight shillings within the last thirty years, I will give up the question for ever. I desire the right honourable gentlemen to meet me, and rest it on that single point.

The right honourable gentleman has stated to you an average of the tithes of Cloyne. Sir, I am ready to show you a parish in that diocese where wheat pays 16*s.*, potatoes 16*s.*, barley 9*s.* 9*d.*, oats 8*s.*, and meadow 6*s.* 6*d.* This, Sir, will be proved on the affidavits of the men who pay it, and supported by their receipts. This, Sir, is the return of the officer who tried the suits in Cork; and these are English acres. If, then, there be any thing like moderation in the average tithe of that diocese, how very low indeed must the charge of some parsons be to admit of this exorbitance! It must appear that in some parishes the parson extorts unreasonable tithes, in others he loses his right; and, therefore, the necessity of an enquiry.

The right honourable gentleman has adduced an example from England, to prove the moderation of the charge for tithes in Ireland; but the fact is, that England pays much less in tithes upon the whole, though an opulent country, than Ireland pays, poor as she is. I have the very best authority for saying, that the rate of tithes in the county of Chester is eight shillings an acre less than the rate of the diocese of Cloyne, whilst the husbandry of the county of Chester is eight shillings better; how then stands the proportion of the tithes of England to the wealth of England, and how stands the proportion of the tithes in Ireland to the wealth of Ireland?

Sir, I understand that in a great number of cases, the tithes have been fairly set out in the fields, and due notice given by the farmers; I understand these tithes are now perishing and rotting, because the parson will not draw them. If this be the case, would you give the parson a power to compel farmers

to pay for those tithes which have perished through the parson's obstinacy? would you let him tax the farmers double, in a tax already exorbitant? would you let the farmer first lose his grain, and after his money? Sir, there are some cases which I mentioned the other night, in which the farmer actually offered to leave the tithes in the parson's barn; will you punish the persons who made such an offer?

I do not like the principle of depriving the farmer of his trial by jury, and giving the parson a rapid and powerful remedy against beggars; it may force emigrants, and certainly will make the parson odious to the parish. Are the people solvent? Can the parson do any thing more than send them to jail? I declare for once, that I would rather pay the clergyman his loss out of the public coffers, and regulate the future, than again revive the miseries of the people.

Here Mr. Grattan stated a number of cases of the utmost exorbitancy in rating tithe, particularly some decreed in the court of Cashel, where four acres and a half of potatoes were charged 5*l.* 6*s.* 3*d.*, and the charge decreed with about a guinea costs; two acres and a half of flax, the prime of our staple manufacture, for the raising which the state gives bounties yearly, 3*l.* 4*s.*, ten acres of meadow 6*l.* 16*s.* These charges were decreed, as was 2*l.* 16*s.* 6*d.* for one acre of potatoes, it having been sworn in court that the said acre produced sixty barrels of potatoes, valued at 9*s.* 9*d.* the barrel; this in the year 1783, the famine price, but the calculation of abundance.

If these facts, he said, could be explained, he was sure they could not be justified. The White-Boys were certainly outrages; but though he condemned their meetings, he would not countenance extortion; he would hang them if rebellious, but he would not rob them.

The committee went through the several clauses of the bill; the chairman reported progress, and asked leave to sit again.

DUBLIN POLICE BILL.

February 25. 1788.

A PETITION, numerously signed by the inhabitants of Dublin, was presented by Mr. Hartley, against the police bill. It prayed that they might be heard by counsel in support of the allegations in their petition.

On this day the House resolved itself into a committee on the bill. Witnesses were examined, and counsel heard, when Mr.

Hartley moved the following resolution: "That it appears to this committee, that the establishment of the police, in its protection of the inhabitants of this city, is insufficient; but its charge on the public has been enormous."

This resolution was opposed by Mr. Marcus Beresford, Mr. Mason, and Mr. Burgh (the Accountant-general), who moved that the chairman do leave the chair.

Mr. GRATTAN said: I cannot pass over the subject of the police of Dublin without animadversion; whether the old watch or the modern police are most insufficient to every purpose of protecting the lives and properties of the citizens; which body most departed from the object of its institution, and most eminently failed in the execution of justice, I cannot presume to determine; it is that dull and useless contest and emulation, which I must consign to men more experienced in the oppression of the city than myself. I perceive from the evidence before you, that robberies are as common as ever, that midnight outrages, &c. are on the same footing, as under the dominion of the old watch; I perceive that the disorders of your city are in as perfect and uninterrupted vigour, as at any former period.

I recollect that upon the first appointment of the police in in 1786, that there was within a certain district, a suspense imposed on outrage and robbery, but both soon returned. There is no security, no regulation under the present police, which you did not experience before, when the city was left entirely unprotected, and, if I were to judge from the evidence before you, I should say, that neglect was a principle of office.

I find from that evidence, that some of the present divisional magistrates, do business only at certain times, that is, before dinner; that, after that hour, the citizen, who is so importunate and unseasonable as to call on a divisional justice about the business of his office, is sure to be denied, or perhaps insulted. This was the case of Mr. Hone, who was robbed, with the connivance, as he thought, of the police, and who was rash enough to call upon an alderman at an unseasonable hour; the moment of relaxation, when magistracy is disposed to delight itself with something more amusing than the business of justice; in one of these moments, Mr. Hone, who was robbed, called on one of the divisional justices; the servant desires the importunate citizen to go to the devil; the citizen, not choosing to follow his advice, and expostulating a little on the subject about which he came, saw, as the door opened, the divisional justice who had been denied; but the citizen, who had been robbed, mistook his time for calling on a divi-

sional justice, he called in the evening, when virtue relaxes itself, and does not relish interruption from complaint of robbery, and subjects of that nature. This is one of the many instances which have appeared before this committee, of the neglect and supineness of the divisional justices, who are paid by the public for their extraordinary activity. From the many instances which appear in evidence, from what we know ourselves on a comparison between the old watch and the modern police; which has proved most useless for every purpose of defence, I think is a doubtful contest: but, on a comparison, which has been most mischievous, which has most insulted the persons, violated the property, and encroached on the liberty of the citizens; the modern police surely carries the victory. It appeared from the witnesses examined, that it was the common practice of the police to insult and abuse the citizens; to put them into the watch-house, without any pretence whatever, and to detain them there the whole night, and then dismiss them, because they had no colour or pretence whatever, to have confined them for a moment; it appeared that the citizens had been in the course of suffering these insults from a body of men, who had been stated, in debate, to be the refuse of the community, and who were taken from the road to be the guard of the city: it had appeared that the insolence of the police was only equalled by the negligence of some of the justices; one of them was charged with having refused to discharge, or bail a boy the nephew of a respectable citizen, who was committed for throwing a stone; and the reason given by the magistrate for refusing bail, was, that such an offence was felony without the benefit of clergy! If such things happened in the city of London, the sufferer would have made the magistracy tremble; and if the magistracy had taken shelter under the court, the injured citizen would have shaken the state: but in Ireland we have the British constitution, but we have not its maxims, and we want spirit to restrain the insolence of office.

I need not go at large into particulars, which prove abundantly the insolence and outrage of the police guard, and the great and criminal reluctance of the divisional justices to punish them as they deserve. When a right honourable gentleman mentioned, that, on his application against some of the police, one of the justices immediately took the most active measures, I cannot avoid, and with some concern, comparing the different effect of application, coming from a poor citizen and a right honourable member; and when I see the supineness in listening to the one, and the courtly promptitude in attending to the other, I condemn and hate that partial dis-

tribution of justice which pays respect to rank, and does not pay attention to injury.

On this part of the subject, without going further into what is known and felt, and confining debate merely to the evidence, I am supported in saying, that the modern police, though not, perhaps, more useless, are much more mischievous than the old watch; have committed more outrages, insulted more citizens, and trespassed more on the liberty of the subject. But when you compare the expence of the two establishments; when you find, as appears from the account, that the police in a year and a quarter has cost 23,000*l.* besides about 2000*l.* for salaries not set forth in the account, but existing notwithstanding, then indeed it must occur to every man, that the old watch, though no defence, was not so great a nuisance; the citizens were robbed on cheaper terms, the inhabitants and the public now pay enormously for dragooning the city. You have heard a melancholy detail of citizens insulted, women imprisoned, and a total contempt of law by the officers of justice.

You have heard the charges which those officers of justice have made for the service they have rendered, 23,000*l.* or rather 25,000*l.* in a year and a half; of which 11,000*l.* are for the police men on the guard, and the remainder salaries and incidental charges, which contribute to the hours of pleasure, when a magistrate is not to be disturbed by the importunity of justice. Conceive this city paying such a sum as appears from your paper, and receiving such treatment as appears from the evidence.

A right honourable gentleman has said, that the evidence was only *ex parte*; it is true; and if the resolution went for the prosecution of that justice who refused to discharge a boy on bail, on supposition that throwing a stone was felony without benefit of clergy; I, certainly, for one should have wished to have heard the alderman explain that matter. But when the motion before you is not personal, and only goes to condemn the police, and when a proposal has been made by one of the representatives of the city, to postpone the question until the divisional justices shall be heard, and that proposal declined, will any man call this *ex parte* evidence? If the right honourable member says, you cannot from particular grievances of abuse condemn an establishment generally, there is something of logic in his idea, but nothing of politics. How could the city prove the insufficiency of the police in general, but by producing particular instances of citizens neglected and outraged? But the member forgets, that it is not merely the evidence of as many as you would listen to, but it is the

petition of 7000, who all protest against the police, as a measure prodigal and oppressive, and prove their general allegation by particular instances of outrage on oath; but these instances do not prove so little as that the citizens are neglected; no; they prove that they are abused by their guard; they convict the police of committing those outrages which they are enormously paid to prevent or punish.

When first this establishment was proposed, in the shape of a bill, I opposed it. I foretold, at that time, that the police-men would be bad soldiers and bad citizens; I did not, but might have added, that they would be bad watchmen. I added, that the bill, inadequate, I apprehended, to establish the peace of the city, would totally destroy the freedom of the corporation; that, in fact, the court was taking into its own hands the regulation of the city; for you can consider the magistrates of the police in no other light than the servants of the crown, and the police as a regulation under the court, instead of what before took place, a regulation under the corporation. What has been the effect of this change? You have silenced the corporation, you have secured the minister's peace in the city, but you have not secured the peace of the city itself; the bill has not been inadequate to all its objects; it has destroyed the independence of the corporation; it has done so by an immense patronage. I, therefore, originally objected to this bill, formed to secure the number of votes, not lives, and to extinguish in the city, not robbery, but public spirit.

That a bill could be framed in a few days, as the representative of the city has mentioned, free from the objections and expence of the present police, is indubitable. There is nothing in the way of such a measure, except a desire to preserve the patronage which protects the present bill, and also protects the scandalous abuse of authority, which has taken place under this bill, and to which a number of respectable witnesses have borne testimony, and one of them, an old friend and school-fellow, who has been alluded to in this debate, and without reason,—Mr. Miller, a scholar, a man of zeal in the public cause, and a clergyman of worth, against whom nothing can be advanced, except that with all his diligence, he has gotten, as yet, no adequate provision in the church.

On the question being put, that the chairman do now leave the chair, the committee divided; — Ayes 100, Noes 41; Majority 59.

BARREN LAND BILL.

MR. GRATTAN MOVES THE BILL FOR THE IMPROVEMENT OF BARREN LAND.

March 10. 1788.

MR. GRATTAN had on a former day presented three bills to ascertain the tithe of rape; to encourage the improvement of barren land, by exempting from tithe for seven years any that should be reclaimed; also, a bill to ascertain the tithe of flax in the province of Munster. These bills were received, and read a first time. On this day, when the order for the House to go into a committee to ascertain the tithe of rape was read, the Attorney-general (Mr. Fitzgibbon) opposed the motion.

Mr. GRATTAN said: He thought the present occasion as fit as any that could offer, to consider the merits of the three bills together, and to decide on what was proper to be done.

The right honourable gentleman had objected to the bill for ascertaining the tithe of rape as an unnecessary bill, because rape was cultivated in order to reclaim and bring in barren lands; and a bill was expected to pass, to exempt all reclaimed lands from every kind of tithe for the first seven years. He said, he rather thought the right honourable gentleman mistaken; rape, he believed, was often cultivated in good land; as the bill would only exempt the produce of newly-reclaimed land from tithe, it would so far fall short of his intention. He had known where one guinea an acre tithe had been charged for rape; he could not suppose that any man would have the conscience to charge this for newly-reclaimed, or for barren land; he had been informed, that four pounds an acre had been charged for tithe; he did not know the fact himself, but he had offered to produce at the bar the person who had been so charged; sixteen pounds for four acres of rape. He understood, that rape was become a very considerable object of exportation; not less than 30,000*l* worth had been exported in the last year; a premium was given to encourage its growth; but no premium could operate to any effect, while counteracted by such enormous tithe as he had stated.

As to what the right honourable gentleman had said, respecting the bill for ascertaining the tithe of flax in Munster, he agreed with him, that the bill was exceptional, but the exception to it was, that it did not abolish the tithe of flax altogether; for surely nothing could be more absurd than to tax the staple manufacture of the country. He had shown that

flax in Munster was charged with a tithe of twelve shillings an acre, whereas, in England, though it is not the staple of the country, five shillings is the tithe allowed. He desired to ask gentlemen, did they think that England would lay any imposition at all upon flax were it the staple of the country? They must confess she would not. She has proved it by exempting madder, which she considered as an article auxiliary to her staple. In a word, he was of opinion, that every thing essential to the manufactures of the country should be tithe-free, and that the legislature should make the church full compensation in money; to encourage the materials of manufacture with premiums in one hand, and to depress them by a demand for tithes in the other, was most grossly absurd. He would, therefore, whenever the question came fairly before the House, propose to abolish all tithe on flax, and to make the clergy compensation in money. At the same time he must observe, that he could not have supposed any body of men would resist a bill giving so high a tithe as five shillings an acre on flax in Munster.

As to what the right honourable gentleman had said, with respect to a danger which might arise from the bill, he could see no cause for such fear. The bill, at the same time that it secured to the clergy a tithe of five shillings per acre on flax in Munster, did also secure for ever to the north its present modus. It was to be recited in the preamble of the bill; — "That whereas the linen manufacture had flourished where flax was exempted from tithe, or where a moderate modus had been established." If the House would assent to this preamble, they would then recognize the principle, that manufactures should, as far as possible, be disencumbered of taxation, and he was convinced every gentleman would, in private, allow the justice of this principle. He could not see why any reasons of delicacy should prevent them from declaring it. He knew it was supposed, that though the bill should pass that House, it might be lost in another place; that consideration should never deter the Commons from doing their duty. Let the Commons pass such bills as they deemed advantageous to the country, and throw the odium of rejecting them upon others.

There were three bills now in contemplation; if the House would pass but one of them, he should consider it a benefit; but he would consider the benefit much greater if the House would pass them all.

The question was then put, that the Speaker do leave the chair, which was negatived.

The House then went into a committee for the improvement of

barren lands. The Attorney-general said, his right honourable friend, in bringing forward this measure, had conferred very great advantages both on the clergy and laity, and was, in his opinion, well entitled to the thanks of every friend to Ireland, and, as one, he took the liberty of returning him his very hearty thanks.

The committee then went into the several clauses of the bill, which was so modelled as to exempt for seven years from tithes all such barren lands as should be thereafter reclaimed and cultivated.

The committee reported progress; and the bill was finally passed into a law.

HEARTH-MONEY TAX.

March 15. 1788.

ON this day Mr. Conolly proposed certain resolutions, the object of which was to procure a return of all houses paying hearth-money, the value of which are not greater than 30*s.* per annum on the full improved rent, and inhabited by persons who have not lands, goods, or chattels, to the value of 5*l.*

Mr. O'Neill seconded the motion. It was opposed by Mr. Bushe, the Chancellor of the Exchequer (Sir John Parnell), and Mr. Burgh (Accountant-general). They objected to the difficulty and uncertainty of obtaining a true account, and the danger of holding out to the people the idea that the tax could be dispensed with. The resolutions were supported by Mr. Forbes and Mr. Grattan, who said,

That if gentlemen were agreed in the principle, they would not differ about the mode. There was no doubt that such an order could be framed as to give the House satisfactory knowledge of such persons as come within his right honourable friend's description of poverty; and a knowledge also of the amount of their usual payment, that we might know the sum to be compensated to the state; the hearth-money acts had admitted the poverty of the peasant to be ascertainable, for they gave exemptions to a description of persons who had but four pounds, as certified by the magistrate. Why not send out an order, requiring the collectors to make a return of the poor within his right honourable friend's motion; such return to be certified by a magistrate? Why not proceed on the plan of the act which is already in existence, but whose exemption, from a change in the value of money, have lost the extent which the act was originally intended for? In fact, his right honourable friend's motion does nothing more than lay the foundation of extending, or rather reviving the humane pro-

visions in one clause of the hearth-money act; and his right honourable friend was perfectly proper in moving his resolutions now; because the return should be made early the next session, before we go into the committee of ways and means, where a compensation to the state, founded on such a return, should naturally be made.

The motion, therefore, of his right honourable friend was seasonable and practicable; but the cause of opposition to his motion was an opposition to his principle. The ministry, he said, do not choose to relax any part of the hearth-money to ease the peasantry. In this I am sure they are wrong. I am convinced, that the man who has but five pounds in the world, and pays thirty shillings for his house, ought not to pay hearth-money; the strongest argument for his relief is the bare statement of his condition. What benefit does the state confer on such a man, that it should have a right to tax him? In what property do your laws protect such a man; a man who has no property; who has nothing, except that labour which he gives the state? He gives you his labour, and you give him a share in your taxes. What my right honourable friend has laid down, is the true principle of government, and ought to be the rule of yours, that the poor of such a description as he states, ought not to be taxed; that men who receive no benefit from the state, ought not to share in its burden; they should be exonerated on the most extensive principle; the peasantry of Ireland, when they are quiet, ought to be nursed, not taxed; their growth will make you ample amends for every exemption you afford them.

A right honourable gentleman on the flóor has said, that hearth-money is the only tax the peasant pays, and therefore he thinks it is not necessary to abolish that tax; but I think it is necessary to abolish that tax, as far as relates to the peasantry, and for the very reason, because it is the only tax the peasantry pay; that is, because they are so extremely poor, so very wretched, that they cannot afford to consume in any great degree the articles which are taxed in this country; a country where almost every thing is taxed; where soap, candles, and tobacco are taxed. The wretchedness of their living, and the misery of their consumption, is the reason why they scarcely pay any tax but the hearth-money, and is likewise a reason why they should not even pay hearth-money.

I laugh at the idea that we cannot make a compensation to the state, and still more at the supposition that the Crown has an interest in continuing this tax on the lower orders of the people, as if the Crown had not an interest in placing its sup-

port on ways and means the most humane and respectable. For the sake of the Crown, as well as of the peasantry, I should wish this tax were taken off, in order to give relief to the one, and a more creditable revenue to the other.

The question being put, the resolutions were negatived without a division.

TITHES.

MR. GRATTAN MOVES CERTAIN RESOLUTIONS REGARDING TITHES.

April 14. 1788.

ON this day, Mr. GRATTAN brought forward his motion respecting tithes. He spoke as follows:

Sir, I submit to you certain great principles as propositions to the church. To stand the foundation of future bills; to stand the sentiments of the Commons; and to be (if these sentiments are resisted by a right reverend bench), our acquittal and justification to the public.

The first resolution relates to barren land, "Resolved, that it would greatly encourage the improvement of barren lands in Ireland, if said lands, for a certain time after being reclaimed, were exempt from the payment of tithes."

This is a maxim of politics, and requires nothing more for its adoption on the part of the church, but the exercise of Christian charity and common sense. This is the law of England, and true in the wilds of America, as well as in England; a principle which barbarity and civilization equally proclaim.

This does not ask any thing from the clergy except the use of their understanding; that they will restrain an unseasonable appetite, postpone a premature voracity. That they will on this occasion indulge themselves in a sagacity superior to that of the fowls of the air, who devour the seed, and equal to the wisdom of the hind, who waits for the harvest. Have mercy on the infant labours of mankind, respect the plough, and, instead of dogging its paces as a constable would a felon, imitate the barbarous, but, in this instance, more civilized Persian monarch, who began his reign by taking the plough in his royal hand, and did homage to that patient instrument which feeds mankind.

To say that the bill in question enriched the community at the expence of the clergy, was but a poor and uncharitable

argument, the result of hot counsel, and crabbed sentiments. If it does enrich the community, but not at your expence, you give nothing. What! will the eagle come down, that you may tithe him, and the stag of the mountain stop at thy bidding? You give nothing, except to yourselves and your successors the chance of getting something from that which, but for such an encouragement, might remain to you and to us, to all eternity, wretched and unprofitable. Supposing, therefore, that the clergy were in no particular to make sacrifices to the good of their flock, that they were to get every law they asked for themselves, and to assent to none on the behalf of their parishioners; yet still should they accede to this measure; on a principle of enlightened selfishness; on a principle not of piety, but of usury; and to resist it, would argue an incapacity to see not only the public interest but their own.

On such a principle of narrow and ignorant precaution had the laity proceeded, they would never have granted the premium on the inland carriage of corn, nor on the export of corn, nor on the export of linen, on the sale of woollen, nor the growth of flax, nor of rape: they would have checked the growth of agriculture, and of manufacture, and of course the growth of tithe. Make the precaution of some of the heads of the church the folly of the laity, extend their principles to us, and we starve the community.

To suppose that the encouragement given to barren lands would lay the foundation of law-suits, is only to argue an ignorance of the law; has the law done so with respect to flax? done so with hemp or bog? and yet such laws have existed. Do not they know that the barren-land bill was not an original bill, but an extension of the provisions of acts already in existence, from whence none of these consequences had flowed; and, therefore, this objection only proves the objectors to be, I will not say bad lawyers and bad husbandmen, but to be, I will say, in their knowledge of husbandry, and their knowledge of law, vastly inferior to themselves in the science of divinity; and while I excuse the errors of some of the reverend bench, I much honour the sense of those of their own order on that bench, who did most decidedly and explicitly differ from them; who saw that the clergy had a common interest in the country; that it was inconsistent in them to desire to partake of the growth of the kingdom, and to check that growth when the opportunity occurred; who saw the feeble policy of any thing like a little combination against the general sense; who thought the best method of preventing a faction in the laity, was to resist a faction in the church; and

who also thought that the two bills, the hemp-bill, and the barren-land-bill, recommended by government, sent up by the unanimous sense of the House of commons; proved to be useful by the example of Great Britain, and espoused by public wishes, was not exactly the ground on which the bishops should post themselves against the interest of the community.

I have mentioned that this measure is supported on principles of Christianity.

Isaiah makes two predictions; the one is a denunciation against such as oppose the kingdom of Christ; the second an annunciation to those who receive it; and he makes the point of the curse that very sterility which the enemies of this measure would promote, and the point of the blessing that very fertility which the bill went to encourage: "the wilderness and solitary place shall be glad, and the desert shall blossom as the rose."

I have taken the prediction of Isaiah, and reduced its principles to a resolution, which I have already read, and which I shall have the honour to propound to you; and I put it to grave authority to verify their prophet.

In the measure to which I refer, there was a particular compact, if report says true: three bills were brought in; two were to be rejected by the influence of government in this House, provided the third should pass the Lords, without the opposition of the church. Thus the public were to receive some benefit, and the excessive zeal of a certain part of the right reverend bench, was to be shielded by the hand of government from repeated opportunities of exposing their principles.

The compact was fulfilled on the part of government; two bills were rejected in the House of Commons, by compact; and the third destroyed in the other House, in breach of compact. A minister is, I must suppose, a heretic, with whom holy men need not observe faith. To destroy this bill, the first method that occurred was petition; the petitioners, very few in number, but certainly very respectable names, complain that they will be greatly prejudiced by the improvement of barren lands *; they petitioned against it in the most un-

* "To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled, the humble petition of several of the clergymen of the church of Ireland, on behalf of themselves and others of the said clergy, showeth, That your petitioners apprehend that the clergy of the said church in general, and your petitioners in particular, will be greatly prejudiced in their properties, in case a bill now depending before your Lordships, to extend the provision of an "Act to encourage the improvement

qualified manner, not against any particular clause, nor against the frame of the bill, but against the bill itself. The names are few; but if names alone, without reasons, could give weight to a petition, this petition has that weight, I acknowledge. I should be sorry to offend against the interest or the apprehensions of the petitioners; unable to reconcile both, and obliged to make a choice, I must advance their interest in defiance of their dispositions. Petition was not deemed sufficient; another method of damnation was resorted to — amendment; and the amendment was a clause of encroachment; an encroachment of the worst kind, an extension of the power of the spiritual courts on the temporal; the spiritual courts were to stand in the place of judge and jury. With what safety you will decide, when I read you two decrees of the spiritual court of Cloyne, one excommunicating a countryman for refusing to pay tithe of turf against law, and the other excommunicating eight persons for the same illegal reason. The idea of their amendment was this: no encroachment on sterility; no invasions of the plough on barren land, unless you will at the same time invade the boundaries of your law. This presumptuous amendment being most judiciously withdrawn, because it could not have passed, (for it could not have passed the House of Lords ultimately) another was introduced not equally mischievous; but I speak with the greatest deference to high authority; a little unintelligible, a little long, a little perplexed, and a little embarrassing; a clause in an old miscellaneous act is extracted, to be applied to the case of barren-land, to which, in the English act, it had no immediate reference. The above clause requires two witnesses on the part of the countryman, and gives to the parson double costs, and obliges the countryman to declare in prohibition, laying him under the difficulty of an action at law.

The bill so loaded justly fell; those vigilant, but, in this instance, most mistaken men, who destroyed it, will hereafter see the wisdom of adopting the bill without the first amendment, without the second amendment, and without any amendment at all. One should imagine some characters took a pride in barren land; in this sentiment only have they resisted the bill, founded on the English act, enabling the bishops to grant leases; is it not enough, that a thirteenth part of the

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of barren and waste land and bogs, and planting of timber trees and orchards," should pass into a law. Your petitioners, therefore, humbly beseech your Lordships to permit them to be heard by counsel against the said bill. And your petitioners will pray."

land of the country should be in the hands of ecclesiastical corporations? Is it necessary that such land should be as barren as possible? You need not ask which is church land in Ireland; you know it by the infallible traces of barrenness and misery; contiguity to a great town is not sufficient to give life and pulsation to this palsied part of the creation; one would imagine the estate was doing penance on earth, and that the inhabitants had laid up all their treasures in heaven; or were here in a state of purgatory, under Protestant bishops. Strange, that the latter should object to a tenure which would enable them to make freeholders, and encourage the Protestant interest; strange, that they should insist on keeping their estates on terms at once hostile to representation and conformity.

The next resolution which I shall propose to you is one respecting flax. It is as follows:

"Resolved, That a domestic supply of flax is an object to which all His Majesty's subjects of Ireland should contribute.

"That this House has greatly contributed to said object by various bounties, but that the linen manufacture has only flourished in those parts of the kingdom, where a total exemption from, or a small composition for, tithe of flax has existed.

"That in order to extend the linen manufacture, said exemption or composition should be made general."

This, too, is a principle, the rudiments of manufacture should not be tithed; surely not of your staple, and above all, not of your only staple manufacture; to advance this has been long the speech from the throne; the echo of that speech your address, and the object of various and expensive premiums; to introduce it into the south has been long the wish of that province; to attend to it now has become your particular duty, because Russia has laid a duty of five per cent. on her exports to these countries, the treaty with England being at an end. Will any man in the south sow flax to pay 12s. an acre tithe, when in the north he pays but 6*d.* per farm? The despair of the southern provinces to grow flax, in any degree, was admitted by a proposal to distribute the flax premiums into provincial portions, on an allegation that the north took a great portion, and the south little or nothing; that is, the north does grow flax because it does not pay tithe; and the south does not grow flax, because it does pay tithe; and thus embarrassed by the tithe, the wretched expedient was to take the bounty from the north, in order to pay the tithe of the south.

Here, again, I must do justice to government; they did intend a modus for flax as well as for hemp; and one reason, perhaps, among others, was the late duty on Russian flax. This gracious and benign intention of government, was, by episcopal interference, rendered abortive; that same episcopal interference, on which the nation is to charge the loss of the barren-land bill, did, with the best intention, to be sure, but the worst effect, oppose both salutary measures, the modus for hemp, and the modus for flax.

That opposition to the hemp bill failed, because that bill was deemed beneficial to the navy of England, and was an English as well as an Irish measure; but that opposition to the flax bill succeeded, because flax was only material to the Irish manufacture, and was a measure purely Irish. The hemp bill, however, did not pass unmolested, and the same regard in holy men for ties with a minister, still operated; it was teased and persecuted by that same episcopal interference. This bill was to have been defeated by petition *; the petitioners complain of this bill in the same unqualified manner as in the instance of barren land; they are to be ruined by the extent of manufacture, petition was not relied on; this bill was also to have been defeated by amendment; that amendment, intended by way of preamble, set forth, that hemp was an article necessary for the navy of England, to which all His Majesty's subjects should contribute; a facility this in a reverend quarter to grant public money for new purposes, beyond the bounds of duty. This preamble contained three principles: first, an implied protest against the principle of modus in favour of Irish manufacture; secondly, an express assent to that principle of supply to that navy, originating in the Lords, in breach of the privilege of the Commons, at the suggestion of the spiritual Peers. As the other amendments encroached on the temporal courts, so this encroached on the Commons. This amendment being most wisely given up, because impracticable, as well as most improper, the whole repugnance to the bill ended in an idle resolution, declaring "that a domestic supply of hemp may greatly con-

* "To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled, the humble petition of several of the clergymen of the church of Ireland, on behalf of themselves and others of the said clergy, showeth, That your petitioners, conceiving that themselves and their brethren may be materially injured by a bill now before this House, entitled, "An act for the better ascertaining the tithes of hemp," and which is committed for Saturday next, humbly beseech this right honourable House to permit them to be heard by council against the said bill. And your petitioners will pray."

tribute to the maritime protection of this kingdom, an object to be promoted by the united exertions of all His Majesty's subjects;". of which resolution the reverend petitioners have the most reason to complain; for it says, you petition against the manufacturing part of your own flock; there you are perfectly right; and we are with you; but your petition goes also against the interest of the navy of England; there you go too far; besides, this is a question of British government, and we, on this point, not only leave you, but we protest against you; and have entered on the journals our resolution accordingly.

So it appears, as the business was mismanaged; but those who know the zeal on this occasion of some of the right reverend bench, must be convinced that this never was their intention. On the contrary, they did most entirely approve of the petitioners and the petition, and had not, perhaps, confined their connection with the petition to the cold and languid office of mere approbation.

The next resolution relates to the sustenance of the poor, as the two others relate immediately to their industry; it is proposed to put the poor of the south on the same footing with the poor of the north, east, and west, by exempting his potatoe-garden from tithe. When we state that potatoes are the food of the poor, we understate their importance; they are more; they are the protection of the rich against a poor-rate, and therefore invaluable to you, as well as to the peasant.

"Resolved, That potatoes are the principal subsistence of the poor in Ireland, and are, in a great part of the kingdom, most fortunately exempt from tithe.

"Resolved, That it would much contribute to relieve the poor of the south of this kingdom, if the benefit of said exemption was extended to them; and if it shall be made to appear that the owners of tithe shall suffer thereby, this House will make them just compensation."

In three-fourths of this kingdom, potatoes pay no tithe; in the south, they not only pay, but pay most heavily. They pay frequently in proportion to the poverty and helplessness of the countryman; for in the south it is the practice to crouch to the rich, and to encroach upon the poor; hence, perhaps, in the south, the mutability of the common people. What so galling, what so inflammatory, as the comparative view of the condition of His Majesty's subjects in one part of the kingdom and the other! In one part their sustenance is free, and in the other tithed in the greatest degree; so that a grazier coming from the west to the south shall inform the latter, that with him neither potatoes nor hay are tithed;

and a weaver coming from the north shall inform the south, that in his country neither potatoes nor flax are tithed; and thus are men, in the present unequal and unjust state of things, taught to repine, not only by their intercourse with the pastor, but with one another.

To redress this requires no speculation; no extraordinary exercise of the human faculties; no long fatiguing process of reason and calculation, but merely to extend to the poor of the south the benefits which are enjoyed by His Majesty's subjects in the other parts of Ireland; it is to put the people of the south on a level with their fellow-creatures. If it shall be said, that such an exemption would cause a great loss to the parson; what a terrible discovery does that objection disclose! that the clergy of the south are principally supported by the poor, by those whom they ought, as moral men, to relieve, and Christian men support, according to the strictest discipline of the church.

To excite a certain quarter to this principle, perhaps the best method would be the stimulation of example. I shall accordingly produce two examples; one example drawn from the country supposed to be the most bigotted in Europe, and the other from that man supposed to be the most prone to clerical avarice and ambition. The first, the kingdom of Spain, the latter is the Pope. In 1780, Pope Pius VI. sends a brief to the King of Spain, enabling him to dispose of one-third of ecclesiastical estates and benefices in his presentation, to which no cure of souls was annexed, in charity; and further sets forth in his brief this reason, that the relief and succour of the poor was particularly incumbent on him. The King of Spain, in 1783, pursuant to this brief, publishes his edict, reciting the brief, and appointing a commission to dispose of the third, as above recited, in the support of the poor, and then he specifies the objects; endowments of all kinds of retreats and receptacles for the poor, such as hospitals and houses of charity, foundations for orphans and foundlings. The better to enforce the execution of the first edict, the King of Spain publishes another, commanding, in a peremptory manner, the execution of the first; and he adds, a principle inseparable from the claims of tithes, that such charitable aids peculiarly belong to ecclesiastical rents, according to the most sound and constant discipline of the church.

Here are the sovereign Pontiff of the Catholic faith, and the Catholic King of Spain, distributing one-third of a part of the revenues of their church for the poor; and here are some of the enlightened doctors of our church deprecating

such a principle, and guarding their riches against the encroaching of Christian charity. I hope they will never again afford such an opportunity of comparing them with the Pope, or contrasting them with the apostles. I do not think their riches will be diminished; but if they were to be so, is not the question directly put to them, which will they prefer? their flock or their riches? for which did Christ die, or the apostles suffer martyrdom, or Paul preach, or Luther protest? Was it for the tithe of flax, or the tithe of barren land, or the tithe of potatoes, or the tithe-proctor, or the tithe-farmer, or the tithe-pig? Your riches are secure; but if they were impaired by your acts of benevolence, does our religion depend on your riches? On such a principle your Saviour should have accepted of the kingdoms of the earth, and their glory, and have capitulated with the devil for the propagation of the faith. Never was a great principle rendered prevalent by power or riches; low and artificial means are resorted to for the fulfilling the little views of men, their love of power, their avarice, or ambition; but to apply to the great design of God such wretched auxiliaries, is to forget his divinity, and to deny his omnipotence. What! does the word come more powerfully from a dignitary in purple and fine-linen, than it came from the poor apostle with nothing but the spirit of the Lord on his lips, and the glory of God standing on his right hand? What! my Lords, not cultivate barren land; not encourage the manufactures of your country; not relieve the poor of your flock, if the church is to be at any expence thereby! Where shall we find this principle? not in the Bible. I have adverted to the sacred writings, without criticism, I allow, but not without devotion; there is not in any part of them such a sentiment; not in the purity of Christ, nor the poverty of the apostles, nor the prophecy of Isaiah, nor the patience of Job, nor the harp of David, nor the wisdom of Solomon! No, my Lords; on this subject your Bible is against you; the precepts and practice of the primitive church against you; the great words *increase and multiply*, the axiom of philosophy, that nature does nothing in vain; the productive principle that formed the system, and defends it against the ambition and encroachments of its own elements; the reproductive principle which continues the system, and which makes vegetation support life, and life administer back again to vegetation; taking from the grave its sterile quality, and making death itself propagate to life and succession; the plenitude of things, and the majesty of nature, through all her organs, manifest against such a sentiment; this blind fatality of error, which, under pretence of defend-

ing the wealth of the priesthood, checks the growth of mankind, arrests his industry, and makes the sterility of the planet a part of its religion.

As I have proposed three measures for the benefit of the people, I shall now submit a fourth for the benefit of the church. It is a resolution which is as follows:

"Resolved, That this House will be ready to relieve the owners of tithes from the necessity of drawing the same; and to give said owners a power of recovering the value of the same, in all cases, by civil bill, or otherwise, provided said owners of tithe shall conform to certain ratages to be ascertained by act of Parliament."

The resolution will be best explained by a bill, which I have drawn, and which I mean to propose hereafter; the brief of which I will now state to you. The bill enacts, that every owner of tithe shall be relieved from the difficulty of drawing the same, by civil bill, for any sum whatsoever, provided said owner of tithe shall conform to certain ratages in the bill set forth; these ratages will be such as Parliament shall think proper, different, perhaps, according to the different provinces, and the result of the enquiry of provinces, and the result of the enquiry of provincial committees.

I have set forth, in the bill for Munster, such a ratage as was nearly stated by learned authority, as the average ratage of the richest diocese therein; the principal articles of which are, potatoes, the Irish acre, 6*s*., wheat 6*s*., barley 5*s*., meadow 3*s*., oats 3*s*.

The bill enacts, that, in the neighbourhood of a city, the tithe of meadow shall be increased; it further enacts, that the owner of tithe shall have a power, on due notice, to enter in order to survey; it enacts, that the above ratages shall be estimated as worth so many stone of bread corn, which is every seven years to be valued by the clerk of the market, who strikes the averages for the kingdom; that septennial valuation of the corn to be the septennial ratages for the owner of tithe.

The bill enacts, that all small dues shall cease, and that instead thereof, in parishes where small dues shall have been paid for these last ten years, a valuation shall be made of such, by a person appointed in vestry; said valuation to be levied, not off the poor, nor the particular individual, but generally after the manner of baronial charges; my idea and fixed attention being to relieve the poor of the south from the tithe of potatoes, and the north from small dues; an endeavour which, however opposed, will, by perseverance, succeed; it is rational, it is just. The bill contains a proviso,

which saves and confirms all kinds of moduses or exemption; so that what has not hitherto paid, shall not pay now; thus potatoes and other articles, where they have not usually paid, shall not become tithable.

The next resolution is, to compel residence. It is strange that such a resolution should ever have become necessary.

"Resolved, That, the better to secure the residence of the clergy, a moderate tax on non-residence would be expedient."

In the long contest of the clergy on the subject of tithe, I do not find that residence has been much insisted on, as useful to the Protestant interest, though tithe has been thought indispensable. Provided tithe shall be paid, it seems what is done for the tithe, the preaching and the praying, is not material, in the opinion of the grave and reverend personages; the army do not act by proxy; the commissioners, the judges, do not act by deputation. I have never heard of virtual redemption, salvation by remote and magnetical operation. Residence is required by canon, common, and statute law; by the canon law, a parson, who left his living without leave, was deprived. By the common law it appears, that residence was necessary; for when an action was brought against the rector of B., he pleaded that he was commorant in D. The plea was over-ruled, because he had not denied himself to be rector of B., and his parish determined his locality necessary by several statutes. The acts of Henry VIII., after forty days' non-residence, imposes a fine. The act of Edward VI., after eighty days' absence, disables the parson from recovering on his own leases. The act of Henry VI. subjects the parson who leaves the country to the forfeiture of his annual income. But though the law were silent, decency on this occasson is loud.

What a cast and complexion are thrown on this question, and those who so strenuously insist on the law for tithes, and so commonly transgress the body of law, that requires them to attend the duties of religion! In England, residence is better observed and enforced. The practice of England has shown a greater regard both for husbandry and prayer; and yet in England residence is not more necessary, because our lower people want more instruction, and our country can less afford any addition to the absentee drain, to which an absentee tithe, and absentee Gospel, are sad aggravations. Talk not of a want of glebe-houses, or even of churches. Has the Presbyter a glebe-house? Has the priest a glebe-house? Does the latter preach the errors of the church of Rome from a straw-built hovel? and do our clergy, to preach the truth of the Protestant religion, require a mansion? Had the first-

fruits been, by the richer parts of their own order, and particularly the bishops, faithfully and justly valued, and applied to the building of churches and the increase of poor livings, the advocates for non-residence would want their voluptuous apology. But it has happened that the first-fruits, by a remote and antiquated valuation, are rendered of no account; they do not, by that valuation, which was made in the reign of Henry VIII. produce more than 430*l.*; at this day the bishopricks alone amount to near 70,000*l.* a-year, the first-fruit of which, without going farther, would be a great fund for building of churches and glebe-houses, and increasing poor livings. You see that, in fact, first-fruits are now a most miserable modus; and it is very remarkable, that the very men who object to any modus, however rational, in favour of the manufacturer, have themselves set up a modus against the church; a modus, the most irrational and illiberal, against the poor of their own order, and the house of their own God! "We cannot reside, because we have neither house nor church;" that is, the richer part of your order have taken to themselves the funds of the church, and now you have no place to pray in!

But though I would compel residence, I would compel it by a moderate process; a moderate tax, to commence after absence for a certain time. I would not leave the dispensing with residence to the bishop, because I would not put into his hands the talents and suffrages of the parochial clergy; I would not enable him to say, "Sir, you have written too freely on constitutional subjects, you must reside;" or, "Sir, you have voted for the popular candidate, and must reside." I would not make residence an instrument of undue influence, nor would I wish to make the parochial clergy mean and subservient to their bishop. I would compel residence by a tax, and that should be moderate, with certain allowances; my principle with respect to the residence of the minister being this, — his parish ought to be his home, but not to be his prison.

I have submitted the resolutions; I mean to put the House in possession of them. All I desire is, that they may have a fair examination. Of government, all I ask is impartiality; all I deprecate is predetermination. I do not desire that they should assent to either my facts or principles, but I desire a fair trial for both. I desire, moreover, that in holding their deliberation, they may not take into their cabinet the enemy. If these principles are false, they will die of themselves, without the interposition of government; if right, they will at last prevail, and then government would be obliged to retract a

resistance precipitately made. As to the southern peasantry, all I ask on their part is peace. If the White-Boys break out again, I give up this business. I will be the first to support strong measures of coercion. The gentlemen of the south should inform them, that if they had originally represented the oppressions they suffer under tithe, by humble petition to Parliament, they must have been redressed; the parson and the tithe-farmer would not have chosen to have defended, or to continue demands publicly stigmatised for extortion and avarice. In a free country, the mere promulgation of injury is the certainty of redress; but those desperate wretches had not the courage to apply to the legislature, and had the despair to apply to outrage; the consequence was, as always must be, they consigned their bodies to the hangman, and left to their families a continuation of the grievances; and involved in their disgrace a great part of the peasantry, who were equally oppressed, and entirely innocent. The truth is, the tithe-farmer had no case but the White-Boy; they both stood on the crimes of the other, and murder was a greater offence than extortion.

With respect to a right reverend bench, I mean a part of that bench, all I ask is temper. I stated several allegations; I am ready to prove them. I stated, that in some parts of the south the demands of tithe had exceeded the bounds of law; I repeat the allegation. I stated that the proctor had, in many places, demanded and received a certain per centage, called proctorage, against law and charity; I repeat that allegation. I stated, that in parts of the south, certain ministers or their proctors had been guilty of exactions which were unconscionable, and I stated also that they had recently, and greatly and unconscionably increased their ratages; I repeat that allegation. I stated that the tithe-farmers did very generally, in the parts disturbed, oppress the common people, and had exceeded their legal powers, or had most grossly abused them: these allegations I repeat now; and am ready to go into proofs, whenever gentlemen choose to give me such an opportunity.

I am not responsible for the precise quantity of every return stated to me. Some of the statements are official, and cannot be disputed, and are enormous; others come from the oppressed, and may be sanguine. I am not responsible for the precise quantities in such a case; but I am responsible for this allegation, that there exists great oppression; I repeat it again, there exists great oppression.

As to the resolutions which I now submit, and which, next session, I shall move, the right reverend quarter will consider,

that some of those propositions are in their principles already the law of England. With what justice can they attempt to deprive Ireland of the benefit of such laws? Ireland, a country requiring so much more encouragement, and paying abundantly more to the church. A celebrated bishop in England has calculated, that the income of the church in England, including all bishoprics, and even the estates of the universities, would, if distributed, amount to 150*l.* for each clergyman. A learned bishop in Ireland has calculated, that, excluding bishoprics and universities, the income of the church in Ireland would amount to 148*l.* for each clergyman. Thus, by this calculation, excluding their great riches, I mean the bishoprics, the ministers of the Protestant church of Ireland have within 2*l.* as much as in England; and, including bishoprics, must have, beyond all comparison, more than in England, where the extent of the cures is incomparably less, even supposing our clergy were all to reside, and while this kingdom has two other orders of priesthood to support. Such of our bishops who came from another country, and have intercepted the views of some of the younger branches of our best families here, will naturally wish to make some compensation. The laws of the country to which they owe their birth, they, I suppose, will not object to communicate to this country, to which they owe their situation.

Some of the resolutions are not only founded on principles of husbandry, but maxims of Christianity. These, I hope, will not meet with inveterate opposition from any of the right reverend bench; those of them the most adverse and inveterate will soften, when they consider the Christianity of clothing the naked, and feeding the hungry; or rather, indeed, of suffering the naked and the hungry to feed and clothe themselves, by encouraging their manufacture; giving certain privileges to their infant labours, and by leaving in their principal food the poor, unoppressed by avarice and exaction under any pretence whatsoever. However, if this shall not be the case; if these sound doctrines and these charitable principles are received by some of a certain quarter with hardness of heart, and their author with clerical scurrility, I cannot help it. I shall persist, notwithstanding, in making my solemn appeal against such men to their own Gospel; which, as it is the foundation of their power, so must it be the limits of our veneration.

The resolutions were opposed by Mr. Browne (of the college), Mr. Mason, the Secretary of State (Mr. Hutchinson), the Chancellor of the Exchequer, Sir John Parnell, and Sir Lucius O'Brien. They objected to the resolutions appearing on the journals, and

stated, that the House, by agreeing to the barren land bill, had expressed a much stronger opinion than those resolutions conveyed. The question of adjournment was accordingly proposed, and passed without a division.

MEETING OF PARLIAMENT.

SPEECH OF THE LORD-LIEUTENANT (MARQUIS OF BUCKINGHAM), HIS MAJESTY'S ILLNESS.

February 6. 1789.

ON the 5th, the session was opened by the Lord-lieutenant, with the following speech to both Houses of Parliament:

"My Lords and Gentlemen,

"With the deepest concern, I find myself obliged, on opening the present session of Parliament, to communicate to you the painful information, that His Majesty has been for some time afflicted by a severe malady, in consequence of which he has not honoured me with his commands upon the measures to be recommended to his Parliament.

"I have directed such documents as I have received respecting His Majesty's health to be laid before you; and I shall also communicate to you, so soon as I shall be enabled, such further information as may assist your deliberations on that melancholy subject.

"Gentlemen of the House of Commons,

"Deeming it at all times my indispensable duty to call your attention to the security of the public credit, and to the maintenance of the civil and military establishments, I have ordered the public accounts to be laid before you.

"My Lords and Gentlemen,

"It is unnecessary for me to express to you my earnest wishes for the welfare and prosperity of Ireland, which, in every situation, I shall always be anxious to promote: nor need I declare my confidence in that affectionate attachment to His Majesty, and in that zealous concern for the united interests of both kingdoms, which have manifested themselves in all your proceedings."

Lord Kilwarlin moved an address of thanks to the Lord-lieutenant. He was seconded by Mr. French; and a committee was appointed to prepare the same. On the 6th, the address was brought up.

"To His Excellency George Grenville Nugent Temple, Marquis of Buckingham.

"May it please Your Excellency,

"We, His Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, beg leave to return

Your Excellency our most humble thanks for your excellent speech from the throne.

"We cannot adequately express the poignancy of our sorrow, in being informed by Your Excellency that His Majesty has been for some time afflicted with a severe malady, in consequence of which Your Excellency has not received his royal commands upon the measures to be recommended to his Parliament.

"We return Your Excellency our sincere thanks (however we must lament the necessity of such a circumstance) for ordering the communication of such documents as you have received respecting His Majesty's health, as well as for your intention of laying before us such farther information as may assist our deliberations on that melancholy subject.

"Nor can we withhold our tribute of acknowledgment to Your Excellency for pointing our attention to the support of our public credit, and the maintenance of the civil and military establishments, as well as for your solicitude to prepare us for those subjects, by ordering the public accounts to be laid before us. On these great objects of general importance, we shall endeavour to act with a becoming care to the national interests, and the honour of His Majesty's crown.

"We are duly impressed with a lively and grateful sense of [Here the amendments were moved] the earnest wishes that Your Excellency is pleased to express for the welfare and prosperity of Ireland, which you have been always anxious to promote; and we flatter ourselves, that His Majesty's most faithful Commons will be found to merit the favourable opinion which Your Excellency entertains of them, by manifesting, under the pressure of the present calamity, the most genuine and cordial loyalty and attachment to their beloved monarch, and the most zealous regard for the united and common interests of both his kingdoms."

On the third paragraph being read, Mr. Grattan asked what the documents were to which the paragraph alluded? Mr. Fitzherbert replied, the copies of the examinations and reports of the physicians attending His Majesty, taken before the Privy Council and Parliament of Great Britain. They were the only documents he had to offer.

Mr. GRATTAN said, That the object of his question was, to discover whether any other evidence relative to His Majesty's health than that which had been laid before the Houses on the other side of the water, was expected? For his part, he was clear that the physicians' report who attended his Sovereign, as solemnly given and properly certified, was complete and conclusive evidence; but the House should not wait for His Excellency's report of these transactions, for if they did, it would appear to the world as if the measure of another assembly was to be the rule of their conduct. He had a high veneration for such respectable authority, but he spurned the idea of dictation; the first was evidence,

the last control; and if the House were to wait for it, they would act with gross impropriety; for the pretence of such a form being necessary, was designed to cut out the free agency of the Irish Parliament; it was meant as the ground for wanton delay. If you act with as much expedition as decency and propriety will admit, then you discharge your duty to the constitution and to the people; if you acquiesce in the procrastination, you will be accused of a servile submission, at once injurious and improper. He thought this paragraph in the address an insidious way of plunging Parliament into a delay which they ought certainly to avoid. Undoubtedly the House ought to have the best evidence; and what better could they expect than a copy of what the physicians who attended his Majesty had deposed in their examinations, once before the Privy Council, once before the House of Lords, and twice before the House of Commons? This was certainly the best evidence which the peremptory nature of the case would admit; and though he would willingly look to the conduct of England upon this great occasion, yet, as he had said before, it was not with an eye of servile acquiescence. Ireland waits not for a lesson from Britain, nor for a model whereby to frame her proceedings. They ought to call for the evidence he had stated; they ought to consider it; and if, in a few days, it should appear that His Majesty was incapacitated, then it would be necessary for some resolutions to be proposed, to give life and animation to the executive government.

The paragraph then passed unanimously. On the fourth paragraph being read, Mr. Grattan spoke as follows:

I wish that the Lord-lieutenant's name had not been introduced into this address. The expences of the Marquis of Buckingham were accompanied with the most extraordinary professions of economy and censures on the conduct of the administration that immediately preceded him. He has exclaimed against the pensions of the Duke of Rutland, a man accessible undoubtedly to applications, but the most disinterested man on earth, and one whose noble nature demanded some, but received no indulgence from the rigid principles or professions of the Marquis of Buckingham. He exclaimed against his pensions, and he confirmed them! He resisted motions made to disallow some of them, and he finally agreed to a pension for Mr. Orde, the secretary of the Duke of Rutland's administration, whose extravagance was at once the object of his invective and of his bounty; he resisted this pension, if report says true, and having shown that it

was against his conscience, he submitted. Mr. Orde can never forgive the Marquis the charges made against the man he thought proper to reward; the public will never forgive the pension given to a man the Marquis thought proper to condemn. The pension list, whose increase the Marquis condemned, he had an opportunity to restrain. A bill, limiting the amount of pensions, was proposed by an honourable friend of mine, and was resisted by the Marquis of Buckingham; his secretary was the person to oppose that bill, and to give a signal to the servants of the crown to resist it. He assigned his reason, viz. because he thought His Excellency was entitled to the same confidence which had been reposed in other viceroys, that is, the confidence which the Marquis of Buckingham pathetically declared had been grossly abused. The police was another theme of His Excellency's indignation; he exclaimed, or has been said to have exclaimed, against the expence of that establishment. A committee was appointed to examine into its utility, and, after a long and minute investigation, discovered that the turbulence and corruption of the police-men were at least equal to the extravagance of the establishment. With this two-fold knowledge of its prodigality and its licentiousness, he defended the police establishment, and resisted a measure to repeal that bill; defending in Parliament every measure against which he was supposed to have exhausted his time in invective and investigation.

The park establishment was supposed also to have excited his indignation. A motion was made to disallow some of those charges, and resisted by all the strength of his government. He was on these subjects satisfied with a minute examination, a poor and passionate exclamation, and a miserable acquiescence. Some of these expences must have stopped, because they were for furniture and improvement, and were not annual expence; but the principle remains; the country is open to the repetition of the charge, and the Marquis has only to take credit for the ceasing of charges, which must for a time have stopped of themselves, but which, by his influence and resistance in Parliament to motions disallowing them, may be renewed. But he not only continued the evil he found, he introduced a number; on the expences of his predecessor, he introduced jobs of his own. He increased salaries in the departments which he proposed, and was said to reform. He made, by that increase, certain places parliamentary objects, which before had not come into the sphere of what is called parliamentary corruption, and greatly increased the influence of the Crown at the time he affected to reduce the expence of

the nation. The disposition he made of some of those offices was in favour of very worthy men. I will not say, that one of them is not yet underplaced, but I do say, that his office ought not to have been raised to his merits, for his merits are his own, and of course during life; but the increase is perpetual; and the increase of salary will never want a pretence, if this argument is admitted. You will easily have that species of economy, which does at least as much mischief as good, checks peculation, and promotes undue influence. He did not confine himself to the increase of salaries; he projected, if fame says true, a number of new offices to be created for the accommodation of friends, at the public expence, by dividing and splitting offices, or boards, under that worst species of profusion, the mask of economy; laying the foundation of new salaries hereafter, and increasing undue influence for the present. But there is one of his projects he has actually carried into execution — the revival of an obsolete office, the second counsel to the commissioners. That office is the remnant of a wretched job, attempted eighteen years ago, and put down, because impracticable and improper. The division of the boards of custom and excise for extending the undue influence of the Crown; that measure was put down: but the second counsel, a wretched remnant, was suffered for a time; and when the then counsel, Mr. Maunsel, died, his place also was discontinued. It thus remained on the establishment an obsolete unoccupied office, until it has now been revived by the Marquis of Buckingham, no doubt, it will be said, for the purpose of saving. The officer is to be a great saving to the public; he is to be fed like the first counsel in the revenue. You are to have two counsel instead of one, to give opinions, and to receive fees in all revenue proceedings; but this is to be a great saving. He is not at present to be consulted in the framing of the money-bills; but this is a private transaction; and this is a saving on whose duration I fear you can but little depend.

I have stated particular instances of the expensive genius of the Marquis of Buckingham, in the management of the public money, and in the course of one year, the year in which even prodigal Lord-lieutenants impose on themselves a reserve. But these particular instances are principles, bad principles. The attempt to increase the number of offices, is an attempt to increase corruption; the man guilty of that attempt is not pure. The revival of an obsolete useless office for a friend, is a bad principle; and if accompanied with extraordinary profession of public parsimony, is a detestable principle; hypocrisy added to extravagance! My great objection to the

Marquis of Buckingham is not merely that he has been a jobber, but a jobber in a mask! My objection is not merely that his administration has been expensive, but that his expences are accompanied with hypocrisy! It is the affectation of economy, attended with a great deal of good, comfortable, substantial jobbing for himself and his friends!

This leads to another measure of the Marquis of Buckingham, which is the least ceremonious, and the most sordid and scandalous act of self-interest, attended with the sacrifice of all public decorum; I mean the disposal of the reversion of the place of the chief remembrancer to his brother; one of the best, if not the very best office in the kingdom, given in reversion to an absentee, with a great patronage, and a compensation annexed. This most sordid and shameless act was committed exactly about the time when this kingdom was charged with great pensions for the bringing home, as it was termed, absentee employments. This bringing home absentee employments was a monstrous job; the kingdom paid the value of the employment, and perhaps more; she paid the value of the tax also. The pensioner so paid, was then suffered to sell both to a resident, who was free from the tax; he was then permitted to substitute new and young lives in the place of his own, and then permitted to make a new account against the country, and to receive a further compensation, which he was suffered in the same manner to dispose of. In excuse for this sort of traffic, we were told, that we are not buying places, but principles, the principle of confining the great employments of this country to residents; a principle invaluable, we were told, to her pride and her interest. While we were thus buying back principles, and while the Marquis of Buckingham was professing a disinterested regard for the prosperity of Ireland, in opposition to these principles and these professions, he disposes of the best reversion in Ireland to his own family; the only family in the world that cannot with decency receive it, as he is the only man in the world that cannot with decency dispose of it to them. After this, do not call Lord Buckingham disinterested; call him any thing else; give him any appellation you please of ability or activity, but do not call him a public reformer; do not ridicule him, by calling him a disinterested man.

Gentlemen have spoken about public inconstancy, and have dwelt on the rapid turn of the public mind, in despising now, what a year ago it seemed to idolize. But let those gentlemen reflect a little. When a man in a high situation professes to be a reformer; when he exclaims against the profusion and memory of his predecessor; when he teaches the people to

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deceive themselves; enfeoffs himself to popularity; shakes hands with the populace; when such a man agrees to no one constitutional or economic bill; on the contrary, resists motions for disallowing extravagance, and bills tending to secure the country against future extravagance, and sets up his own temporary regulations, his own contingent savings, and casual fractions of economy, in the place of laws, such a man must speedily forfeit the opinion of the public; but when the same man shall, to the crime of omisssion, add that of commission, shall increase the expences of which he complained on the principle which he affected to reprobate; multiply undue influence, and create or revive offices merely for private gratification; and, finally, shall attach the best office of the kingdom to his family, while he affects to attach the love of the public to his person; I say, such a man cannot be surprised at the loss of popularity; an event the natural consequence, not of public inconstancy, but his own inconsistency; of his great professions and his contingent savings, overbalanced by his jobbing; a teazing and minute industry, ending in one great principle of economy, and tarnished by attempts to increase the influence of corruption, and by a sordid and indecorous sense of private interest. For these reasons, among other public ones, which I could give, I enter my protestation against the Marquis of Buckingham.

Mr. GRATTAN then proposed the following amendment to the address: — After the words "we are duly impressed with a lively and grateful sense of," to insert these words: "the many and numerous blessings this country has received, during His Majesty's reign, and under the pressure of present calamity, shall manifest the most genuine and cordial loyalty and attachment to our beloved Sovereign, and our most zealous regard for the united strength, and common interest of both kingdoms."

The amendment was supported by Mr. George Ponsonby, Mr. William B. Ponsonby, Mr. Curran, Mr. Serjeant Toler, and Mr. Marcus Beresford. The conduct of the Marquis of Buckingham was defended by Mr. Toler, Mr. Marcus Beresford, Mr. Corry, Sir John Blaquiere, and Colonel Hobart. It was then moved that the following words should stand part of the address: "And we return our sincere thanks to Your Excellency for the earnest wishes that your Excellency is pleased to express for the welfare and prosperity of Ireland, which you have always been anxious to promote." This amendment, together with that of Mr. Grattan, was passed, and the address was agreed to.

Mr. Fitzherbert presented the report from the committee of the Lords and Commons appointed to examine the physicians on the state of His Majesty's health, which was ordered to be printed. He then moved, that the House do, on Monday, the

16th, resolve itself into a committee to take into consideration the state of the nation.

Mr. Grattan moved that the House will, on Wednesday, the 11th, resolve itself into the said Committee.

Sir Hercules Langrishe said, that the question was of such magnitude, that it ought not to be delayed. It regarded the appointment of an executive magistrate during the indisposition of His Majesty.

Mr. Secretary Hamilton coincided in the necessity of naming the earliest day for the consideration of the subject. Parliament has now, for the first time, to discharge that important function, the exercise of which they owed to a right honourable gentleman (Mr. Grattan), by whose talents and exertions, seconded by the spirit of the nation, their parliamentary independence had been established. He instanced the proceedings in England at the time of the Revolution. The nation did not wait for a meeting of the convention; but the Peers, and some of the members of the dissolved Parliament of Charles II., immediately addressed the Prince of Orange to take on himself the direction of public affairs.

The question was then put. The House divided; — Ayes 74, Noes 128; Majority in favour of Mr. Grattan's motion, 54. Tellers for the Ayes, Lord Kilwarlin and the Attorney-general; for the Noes, Mr. Grattan and Mr. Curran.

HIS MAJESTY'S ILLNESS.

MR. GRATTAN MOVES THE RESOLUTION ON THE SUBJECT OF HIS MAJESTY'S ILLNESS.

February 11. 1789.

ON the 7th, the Chancellor of the Exchequer, after stating the necessity of proceeding to public business, in consequence of the situation in which the country was placed, moved that this House do, on Monday next, take into consideration His Excellency the Lord-lieutenant's speech.

Mr. GRATTAN deemed the motion to be rather somewhat improper. In his opinion, both for the sake of decency, and out of respect to our most gracious Sovereign, an enquiry into the state of His Majesty's health ought to procede all other business whatever; and he should therefore move an amendment to the motion made by the right honourable gentleman, "that the consideration of His Excellency the Lord-lieutenant's speech be postponed till Thursday next."

The Attorney-general opposed the motion. He stated, this was a new idea; but the evil consequences would rest on the head of the individual who suggested the proceeding. Mr. Grattan's motion was then agreed to.

And on this day Mr. G. Ponsonby moved for the order of the day, "That the House do resolve itself into a committee of the whole House on the state of the nation."

Mr. Fitzherbert and the Attorney-general proposed to delay the consideration of the business to Monday, the 16th, as certain documents were expected from England that were of great importance.

The Attorney-general said, it would be necessary that the proceedings in Ireland should be carried on in the same manner as in England, and any person who would controvert that position would be a very bold man.

Mr. G. Ponsonby replied, that the assertion of the right honourable gentleman formed no ground to support his proposition. He has said, that he will be a bold man who will differ from the mode adopted in England. I hope, Sir, we shall be bold; not too bold;—bold in argument, modest in assertion.

The House then resolved itself into a committee. Sir Lucius O'Brien in the chair. The clerk then read the documents relative to the King's health, the physicians' examinations, opinions, &c.

Mr. GRATTAN rose and said: Sir, the right honourable gentleman (Mr Fitzherbert) has stated the plan of the Castle, which it seems are limitations and a bill. He proposes to name for the regency of this realm, His Royal Highness the Prince of Wales. In this we are perfectly agreed; but I must in this add, that he only follows the most decided wishes of the people of Ireland. We are clear, we have been so from the first, that His Royal Highness the Prince of Wales ought, and must be the Regent; but we are also clear, that he should be invested with the full regal power, plenitude of royal power. The limitations the member proposes to impose, are suggested with a view to preserve a servile imitation of the proceedings of another country; not in the choice of a Regent, which is a common concern, but in the particular provisions and limitations, which are not a common concern, and which ought to be, and must be governed by the particular circumstances of the different countries. The bill or instrument, which he calls a bill, is suggested on an opinion, that an Irish act of Parliament might pass without a King, in a situation to give the royal assent, and without a Regent appointed by the Irish Houses of Parliament to supply his place. The idea of limitation, I conceive to be an attack on the necessary power of government; the idea of his bill is an attack on the King of Ireland. We have heard the Castle. Dissenting, as we must from their suggestion, it remains for us to take the business

out of their hands, and confide the custody of this great and important matter to men more constitutional and respectable. The Lords and Commons of Ireland, and not the Castle, should take the leading part in this great duty. The country gentlemen who procured the constitution, should nominate the Regent. I shall submit the proceedings we intend, in the discharge of this great and necessary duty.

We propose to begin by a resolution declaring the incapacity of the King, for the present, to discharge the personal functions of the regal power. It is a most melancholy truth; but a truth notwitstanding so fully proved and so generally admitted, that no man who does not proceed on the principle of affected stupidity, can entertain a doubt of it. The recovery of the Sovereign, however the object of every man's wishes, is that uncertain event on which no man will presume to despair or to decide. Having, then, by the first resolution ascertained the deficiency in the personal exercise of the regal power, the next step which I shall submit is, the supply of that deficiency. This melancholy duty falls on the two Houses of the Irish Parliament, whether you consider them as the only surviving estates capable of doing an act, or as the highest formed description of his Majesty's people of Ireland. The method whereby I propose these great assemblies shall supply this deficiency, is — address. There are two ways of proceeding to these august bodies perfectly familiar; one is by way of legislation; the other by way of address. When they proceed by way of legislation, it is on the supposition of a third estate in a capacity to act; but address is a mode exclusively their own, and complete without the interference of a third estate; it is that known parliamentary method by which the two Houses exercise those powers to which they are jointly competent; therefore it is I submit to you the mode by address, as the most proper for supplying the present deficiency; and though the address shall, on this occasion, have all the force and operation of law, yet still that force and operation arise from the necessity of the case, and are confined to it. We do not profess to legislate in the ordinary forms, as if legislation was your ordinary province; we propose to make an efficient third estate in order to legislate; not to legislate, in order to create the third estate, the deficiency being the want of an efficient third estate. The creation of such an estate is the only act that deficiency makes indispensable; so limiting your act, you part with your present extraordinary power the moment you exercise it, and the very nature of your act discharges and determines your extraordinary authority.

But as the addresses of Parliament, though competent on

the event of such a deficiency to create an efficient third estate, yet do not, and cannot with propriety annex to their act the forms of law and stamps of legislation, it is thought adviseable, after the acceptance of the regency, that there should be an act passed, reciting the deficiency in the personal exercise of the regal power, and of His Royal Highness's acceptance of the regency of this realm, at the instance and desire of the two Houses of the Irish Parliament; and further, to declare and enact, that he is and shall be Regent thereof during the continuation of His Majesty's present indisposition. The terms of the act are to describe the powers of the Regent; and the powers intended, is the personal exercise of the full regal authority; and the reason why plenitude of the regal power is intended by the address, and afterwards by the bill, is to be found in the nature of the prerogative, which was given, not for the sake of the King, but of the people, for whose use kings, and regents, and prerogatives were conceived. We know of no political reason why the prerogatives in question should be destroyed, nor any personal reason why they should be suspended.

I have stated the method to be pursued; indeed the method almost states itself; most undoubtedly, it is not the method pursued by Great Britain; but the diversity arises from obvious causes. The declaration of right is omitted in our proceedings; why? because we know of no claim advanced against the privileges of the people. A declaration of right in such a cause, would be a declaration without a meaning; it would bespeak an attack which has not been made, and would be a defence against no invasion; it would be a false alarm, and hold out false signals of public danger in times of perfect safety, confounding and perplexing the public mind; so that, in the moment of real attack, the people would not be forthcoming. I object to a declaration of right in Ireland, therefore, as bad husbandry of popular artillery. I object to it also, as attempting to convey to posterity historic evidence against the constitutional principles of the second person in His Majesty's dominions, without any ground or pretence whatsoever. For these two reasons, I have not adopted the declaration of right, conceiving it would in this country be no more than a protestation against a claim which has not been made, and, therefore, would be a false alarm and a false suggestion.

Our method differs also from that pursued by Great Britain, inasmuch as we give the full exercise of the regal power; whereas the Parliament of Great Britain has imposed limitations; but I have assigned a general principle why

limitations are omitted; and I may add, that whatever reasons may have been supposed to exist in England for those limitations, they are not so much as pretended here. I have, therefore, thought it unnecessary and improper to enfeeble a government which we profess to restore, as I thought it also improper to defend a constitution which we acknowledge to be uninvaded. As the substance of our proceedings is different, the mode is different also, and it is impossible, even though we wished it, that the mode should be the same. The mode proposed by the Castle differs from that of Great Britain more than that which I have submitted; that which I have submitted departs from the model of England, but does not commit you with England, nor cast the least reflection on the wisdom of her measures. We concur in the great object,—the Regent. In the proceedings necessary to form the regency, the deliberation of the two countries are governed by their respective circumstances. In the proceedings which I have submitted, it is sufficient to affirm, that all the great objects which can attract the care of a nation, are punctiliously attended to. And first, your constitution. In every stage of this business you exercise the power of a free and an independent House of Parliament; the incapacity of the King to the personal exercise of the regal power, you *discuss* and *decide*; the deficiency thereby declared, you *supply*; and having supplied that deficiency, you proceed to legislate, and give your own work the clothing and stamp of law. As to your government, you restore it, and restore it to all its energies, that the concern of the people for the indisposition of their King may not be aggravated by a tottering and impotent administration of public affairs. You also manifest attachment to the Royal family, not only by renewing the government in the person of the heir apparent, but by renewing it in a manner honourable both to prince and people.

In this great measure, I have not relied on my own judgment; I have had resource to history, I have looked for the highest land-mark in the British annals, and have found it in the period of the Revolution.

The address which will be moved, in part of its phraseology, is copied from an address voted by the convention Parliament to the Prince of Orange, desiring him to take upon himself the conduct of public affairs. The idea of proceeding by address is taken also from those addresses which declared the Prince and Princess of Orange King and Queen of Ireland; and the idea of an act is also taken from the same period; in the second session of the convention Parliament an act passed,

containing the substance of the addresses last mentioned, and giving the whole the clothing and form of law.

There are points in which the Revolution bears a near resemblance to the present period, as there are other points in which it is not only different but opposite. The throne being full, and the political capacity of the King's existing, the power of the two Houses cannot be applied to that part of the monarchical condition, but the personal capacity of the King, or rather the personal exercise of the royal power being deficient, and the laws of the land not having, in the ordinary course of law, made provision for that deficiency, and one of the estates being incapable, it remains with the two others to administer the remedy by their own authority; the principle of your interference is established by the Revolution; the operation of that principle limited by the contingency; the power of the Houses of Parliament in the one case extended to remedy a defect in the personal and political capacities of the monarch. In the present case it extends only to remedy a defect in the personal capacity, but in both cases it is the power of the Houses of Parliament called upon to interfere by their own authority when the ordinary course of law has made no provision, and where the three estates cannot supply the defect. I have, therefore, had recourse to the precedent of the Revolution in the mode of supplying the present deficiency.

Gentlemen have called this an important day. I will add to the expression. I will call it a proud day for Ireland. She has deserved it; she has struggled hard for her independency, and she is now disposed to make a most judicious use of it. It is not a cold, deliberate act, supplying a deficiency in the real function; it is not a judicious, but languid nomination of a substitute for the exercise of monarchical power. This country annexes a passion to her proceeding, and kindles in love and affection to the House of Brunswick, and the effect of her exertions, and the great labour of years in restoring her constitutional rights and privileges, she now gathers, in a harvest which she shares with her princes.

He concluded by moving the following resolution: "Resolved, that it is the opinion of this committee that the personal exercise of the Royal authority, is, by his Majesty's indisposition, for the present interrupted."

The question being put, it passed without a division.

Mr. Connolly then moved the following resolution: "That it is the opinion of this committee, that an humble address be presented to His Royal Highness, humbly to request His Royal Highness to take upon himself the government of this realm during the continuation of His Majesty's present indisposition, and no longer; and, under the style and title of Prince Regent of Ireland, in the name of His Majesty, to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdiction, and prerogatives to the crown and government thereof belonging."

The motion was seconded by Mr. George Ponsonby. It was supported by Lord Henry Fitzgerald, Mr. Sheridan, Mr. Curran, the Secretary of State (Mr. Hamilton), Mr. Bushe, Mr. Corry, Mr. Hardy, and Mr. Michael Smith. They founded their arguments chiefly on the point that the House could not proceed by bill, inasmuch as there existed only two estates in consequence of the indisposition of His Majesty, and to proceed by bill would imply that the three estates were perfect and entire. The principle of the Revolution was their guide, and there the mode was by address. It was farther contended, that the acts annexing the crown of Ireland to the crown of England did not impede the mode of proceeding. It was a matter of indifference whether the seal of England was affixed by the Regent in the capacity of Regent of England, or as Regent of Ireland. The act of 1782 made, in this point, no alteration in the manner of passing laws; the great seals of both countries were as requisite before as after the passing of that act. Three things were necessary for passing a bill into a law: 1st, The great seal of Ireland; 2d, The great seal of England; 3d, A commission for giving the royal assent. Such a commission was annexed to every bill, and could only be granted to the Regent of Ireland; and, therefore, no law could pass until a regent was first appointed.

The resolution was opposed by Mr. Molyneux, Mr. Hobart, Mr. Johnson, and the Attorney-general (Mr. Fitzgibbon), who argued very strenuously against the mode of proceeding by address. He asserted that great danger was likely to result from the mode proposed. He referred to the act of the fourth of William and Mary, cap. 1. sec. 1., the act of recognition, which set forth the union of the kingdom of Ireland to the Crown of England; and he argued from thence, that the executive being the same, the Regent should be the same. A case of extreme difficulty would arise if a different person was appointed Regent in both countries. It should therefore be first ascertained whether the Prince of Wales was appointed Regent of England. The act of 1782 had rendered the great seal of England necessary to the passing any Irish law. This act was prepared by the right honourable gentleman (Mr. Grattan), and is now found an impediment in the way of the doctrine advanced by him. He then read the amendment that had been proposed by Mr. Flood to that act, which was a proof of the authority which the King of England exercised in the passing Irish acts; and if the Prince did not accept

the regency, and that the address should reach him, it would call on him to act in defiance of the statute which makes the crowns inseparable. The Attorney-general stated, that the law which rendered the great seal of Britain necessary to the passing an Irish act had been proposed by Mr. Grattan, and the error, if any, lay with him.

Mr. GRATTAN said: — I shall endeavour to recall the minds of gentlemen to the present posture of the debate. We have gained ground in the argument; the limitations are not defended; they are not, it is true, given up; they are alleged to be intended, and acknowledged to be indefensible; proposed, scouted, and adhered to; and in the contempt into which this part of the plan of the castle has fallen, the vile insinuations of intended prodigality and perverted bounty, (insinuations maliciously whispered against a great Personage) have also fallen, and remain in the contempt they deserve. So far the plan stands condemned in the opinion of its principal supporters. But gentlemen who cannot defend their own measure, impeach ours; and they recur to that vile common place, and antiquated cant, ever resorted to by men concerned in unconstitutional attempts: The connection is danger, by our proceeding. How? prove it — by resorting to the line of succession! His Royal Highness the heir apparent, with irresistible claims to the regency, the choice of Great Britain, and a middle term between the two nations? No; folly, presumption. Do not attempt to call that nomination a step to separate from England. Is it then by appointing him with full regal authority? No; the railers on the subject of connection now affect an indifference on the subject of limitation Is it by appointing him at this time? idle and trifling! What! so many months after the Royal indisposition; after the business had terminated in Great Britain, in the choice at least of the same person. No; but then, gentlemen, it is done by address; it is the mode against which they direct their indignation; and arguments, which were intended to be applied in favour of limitations, are now, and with equal folly, applied against proceeding by address. But the refutation of every objection to the address proposed, is to be found in the monstrous scheme which the enemies of this address have conceived, and would endeavour to impose on the country.

A bill passed without a third estate, without an Irish Regent, and without any authority from the Irish Parliament, to give the Royal assent. But the arguments advanced in the support of this plan are worse by far than the plan itself. We have been told that the Regent named by the Parliament of Great Britain, before he is adopted by Ireland, is competent to give

the Royal assent to an Irish bill; we have been told that a British Regent is competent to supersede a Regent appointed by Ireland; we have been told that the British convention may make a law for Ireland; they may, we are told, make a Regent, and that Regent may supersede one who has been made by Ireland; that is, he may set aside the act of our country by virtue of an authority derived from the British Parliament; thus far, the right honourable member, by the juggle of a crown-lawyer, restored the supremacy of the British Parliament over this kingdom. He has done this by playing tricks with signs and seals, and confounding the stamp of authority with authority itself; and he has proceeded in criminal error to such a rash and desperate excess as to attack the ascertained privileges of our Parliament, and the dearest rights of his country. He has endeavoured, by his argument, to take away from this country the power of choosing a Regent, and has sought to cast an air of silly ridicule and trifling scorn on her appointment, and has also endeavoured, with equal error and temerity, to give to another the power of imposing a Regent upon you, and by its own authority; and he thinks he has succeeded to prove his desperate conclusions, when he shows, or fancies he shows, that the undoubted rights of his country may be destroyed, and all the pedantry of legal form punctiliously adhered to. These forms of office he sets upon against the substance of the privilege of the people, and in the place of the real official authority; and because the individual may not aver against certain marks and tokens, he thinks the Parliament of this country like a subject, equally bound and concluded, not enabled, he supposes, to enquire how such marks have been affixed to public acts. And what is the condition of the authority they are supposed to represent? With equal zeal and equal error to the abuse of legal knowledge, and in defiance of the laws of the land, have we been told that his Majesty legislates in Ireland as King of Great Britain. The argument we have heard to-night, in its first step, has introduced over this realm the authority of the British Parliament or convention, and in its next desperate effort, has taken away from this realm the authority of the King of Ireland; the statute-laws of this country pass, according to this argument, without the consent of the King of Ireland.

The King of Ireland is not a part of the Irish legislature, we are gravely, confidently told, in a strain of legal perplexity, quibble, and mistake. The laws of your country tell us, that the crown of Ireland is an imperial crown; the claim of right which you preferred affirms, that the King, Lords and

Commons of Ireland are the only body competent to make laws. Have we said this, and pledged our lives and fortunes to this, that we should now with the member say, that the King, Lords and Commons, are not competent to make laws? that the King of Ireland is no part of the legislature? that it is the King of Great Britain, or rather, the great seal of England, and the Lords and Commons of Ireland, who are the competent legislature? If his argument be true, Ireland has no King, or her King has no legislative authority. If his argument be true, the Royal assent given in Parliament, it is an idle ceremony, and the bill binds the subject, even though that assent should be withheld.

Such is the monster that has been composed in place of the old constitution, by the force of rash assertions, and legal juggle, assuming the name of law argument. According to this doctrine, the great seal of Great Britain is not an instrument to authenticate the Irish bill, but does import, and operates as the Royal assent in Ireland; and though the King is declared by Parliament to be incapable of giving the Royal assent, and though this country has named no regent or substitute, yet still is her Parliament concluded by the Royal assent, or what he calls the Royal assent, the great seal of England. This is the substance of his doctrine.

The member hesitates a little at the enormity of his own conclusions, and not venturing at last as he did at first, to affirm that a bill bound the subjects of Ireland, provided the great seal of Great Britain was annexed, even though it did not receive the Royal assent in Parliament, he changes his terms a little, and says that the great seal of Great Britain is the organ of the Royal assent in Ireland, and from this he wishes you to conclude, what he ought not to advance, that the Royal assent so conveyed, must be the Royal assent of the King of Great Britain; that is, that the King of Ireland gives no assent at all, and is no part of our legislature. The offensive conclusions drawn from his arguments make the sophistry on which these arguments are, less an object of attention.

He tells you, that an act in 1782, vests the Royal assent in the British crown. He resorts to the act, and finds it is his assertion, not the act, which vests the Royal assent in the British crown. The act says, that such bills as return to Ireland under the great seal of England unaltered, and none other shall pass; that is, not that they have actually passed by coming to Ireland under the great seal, but that such and such only are in a capacity to pass; the act makes different provisions, all which must take place before our bills can pass

into law; they must return to this country; they must return without alteration; and they must return under the great seal of Great Britain as usual; and then, says the right honourable gentleman, they are the law. But I tell him, they are not the law; they are then qualified to receive the Royal assent, without which they cannot be law; that Royal assent, is the assent of the King of Ireland.

The right honourable gentleman has charged on me the formation of that bill he alludes to. He should know it was not my bill: it was drawn by the most constitutional lawyer that ever was Attorney-general*. The idea of the bill was to prevent the suppression of our bills in the Irish privy council, and their alteration in English or Irish; and it was intended to reject that part of Poyning's law which required the great seal of England to be annexed. We did not, as the member would suggest, introduce that ceremony: we found it. The law not being sufficient to warrant the member's doctrine, he resorts to fortify his misconstruction to an amendment, as giving the true interpretation; which amendment he reads from the journals, and which appears to have been rejected, and for which he acknowledges he did not vote; and this is the way he supplies construction and explanation for the statutes of his country. If the bill he alludes to is defective, he is more guilty than I am; for he was then in Parliament, an acute lawyer, whose business it was to examine the phraseology of your bills. Does he now tell us, that very bill against which he never, murmured, and for which he voted, has done the mischief; and that it is not his perverse and desperate explanation, but the acts which he supported, that have destroyed the Irish monarchy? He impeaches an act for which he voted, by an amendment which he opposed, and which amendment, when examined, does not answer his purpose; for the amendment does not attempt to allege, that the royal assent of the King of Ireland is not given, and given only in Parliament, but that the bill does not return to receive the royal dissent likewise in Parliament. No man said then, nor did the amendment attempt to insinuate, that the royal assent was supplied by the great seal of England, nor did any man object to the act of 1782, or law of Poyning's, because requiring the authentication of the great seal of England. Why did they not object? Because they knew perfectly well, that the great seal was only an instrument of connection, and was not what the member states, a substitute for the royal assent. The right honourable gentleman resorts to another act, that of recognition, which proves

* Mr. Yelverton.

what nobody denies, the annexation of the crown, and which proves and ascertains also, what he has attempted to deny, the existence, properties, and prerogatives, of the imperial crown of England. The act of Henry VIII., commonly called the act of annexation, proves and ascertains what the member's arguments would deny; the existence, properties, and prerogatives of the Irish crown. The object of that act is expressed to be a principle combating directly the principle of his argument; for the act sets forth the reason of its being made, in order to raise in the mind of the people of Ireland the authority of the lord thereof: the lordship is created into an imperial crown annexed, but not merged in that of England, with all the dignities, properties, and prerogatives of an imperial crown. So that the idea of creating and preserving all the regal properties of the King of Ireland, ran *pari passu* with the idea of annexation.

The right honourable member having failed to give legal reasons, proceeds to give political ones, for his opinion; and he tells you, that the connection of the two kingdoms depends on the annexation of the crown. He is right; but then he slides a little, and he melts down annexation into dependence, and dependence into extinction. He says, your freedom exists in the independence of your Parliament, and your connection in the independence of the crown, or rather its extension. Thus the independence of your Parliament comes out to be the independence of two of the estates, and the extinction of the third; on which extinction depends, by his reasoning, the bond of empire. The right honourable member proceeds to threaten us with various consequences, if we combat his doctrines and his plans; consequences which have no relation to the question before you, and are more likely to flow from the offensive and unconstitutional doctrine which this night we have heard, than from any thing else. If the King is the bond of union, any attack on his essential property, his legislative capacity, and, above all, his existence, such as we have shown the doctrine of this night to be, must be also an attack on that union, and on the passions of the subjects, so necessary to preserve that union in their steady and proved attachment to the person and family of their sovereign.

It is a great objection to the doctrine of this night, that it tends to destroy allegiance. The people of this country will be loyal to their King; but when you set up baubles in his place; when you set up phantoms that can give no protection, and are only the stamp of authority; when, instead of the Royal family wearing the Irish crown, they are directed to contemplate as the object of affection, an officer with the great seal in his hand; will the advocate for such doctrine answer for the

affections of His Majesty's subjects of Ireland? — thus perplexed and confounded by signals instead of princes, and the dead letter of authority instead of the living objects of affection. The people have a pride in their King, and will not transfer their love; but, on the contrary, will kindle at the quibble, that would set in his place the great seal as an object of their allegiance, and the substitute as their monarch. This doctrine is the more criminal, I have said, in its consequence, because it set out with a profession, that the great bond of connection is the King; it mentions, I have said, that the two countries are kept together by the monarch; having made such a profession, it extinguishes that bond of union, the monarch of Ireland, and extinguishes with him the affections of his people, attached to his person and family, I say, extinguishes, or vainly means to transfer them to the official stamps by which he acts, and which can excite no passion, command no allegiance, and give no protection; and which, when set in the place of the King, revolt the feelings and affront the understanding of plain men and a sanguine country. Gentlemen talk of government. What government can preserve authority on such terms? And what man can entertain a love for the government of his country, when such a barren quibble, in the place of the Irish crown, is offered to his contemplation, and such a wretched phantom is pretended, not to command, but to balk the loyalty of a sanguine people? Depend upon it, this argument does not go more to extinguish the King of Ireland, than the allegiance of the Irish nation. They will not be loyal to the English chancellor, nor the English great seal, nor the officers of the crown, English or Irish, whom chance has made the ministers of the will of the monarch. They demand a real living object of attachment, and expect it not in the fiction, but the family of their sovereign, in the House of Brunswick, the hereditary kings, by the laws and constitution of this realm.

These crown lawyers that undermine the Irish throne, are not aware of the mischief of their offensive doctrine; they do not know what valuable passions they extinguish, what principle of attraction they destroy; they do not consider the effect of their sophistry on the human mind, and its cold pestilential consequences in the breast of every subject. He cannot detect, perhaps, but he revolts at the errors of such doctrine, and turns from phantoms set up in the place of princes, and refuses his allegiance to idols, which the pedants of the profession advance in the place of the Sovereign of Ireland, or the family of their Sovereign.

Could I agree with the principles of the argument of this right; could I banish from this question all recollection of the royal family and the people; could I conceive that the best system for Ireland would be a government without monarchical power, and a Parliament without deliberative properties; could I imagine that on the question of an Irish regency, we should keep clear of two considerations, the Regent and the kingdom, and only attend to our connection with Great Britain, yet I should abjure this doctrine, and this language, as fatal to this principle. I should think that they brought that very connection, I will not say into danger, but they damped the zeal, and extinguished the ardour of it, by the offensive and wanton manner in which such doctrines introduces it. Why make the connection with England a wretched theme for sophistry? Why make it a constant opportunity for rebuke? Why make it a pretence for the humiliation of Ireland? Why introduce it where it is not in danger, and resort to it as a pretence for scolding the people of Ireland? Why interrupt a proud day like this with monstrous doctrine that affects to ground itself on that connection, to which it is highly prejudicial, and tell the people of Ireland, "Do not deliberate; do not indulge your intemperate ardour to the royal family; do not venture to exercise a free will in favour of your princes; wait for the determinations of another country, and echo them; wait for the great seal of that country, your King! register, recite."

This is incensing one country against another, and making the British name an organ for threats, not arguments, for denunciations, not affection. And, in order to prove the offensiveness of such doctrine, let me suppose that the British nation were to adopt it, and speak to Ireland in the language of the Irish member. How should we feel? how should we resent? But coming from some of our body, it is less inflammatory; and yet, is there a country gentleman in this House who is not by such language inflamed? roused with indignation, ont borne down by conviction? feeling on its own principles, a love for the connection, distinct and superior to allegiance or patriotism. I condemn this argument. I think the connection must be the first victim of it. I will banish, for a moment, from my mind the principles of public virtue, of allegiance to the crown, and love for the people; and I will allow that such a question as the present should be ruled exclusively, with a view to connection; yet, as the public mind is already impregnated with those patriot and loyal principles, and as we cannot destroy the criminal tendency of allegiance and patriotism in the mind of our fellow-subjects, let us capitulate, with virtues which we cannot extir-

pate, and, instead of placing them in adversity, let us set them in harmony with connection. Tell your countrymen that your connection with Great Britain is the source of her liberty, and a means of her greatness. Make them proud of standing by the side of England. Tell them that all their passions and interests can be completely gratified and respectively adhered to with the strictest conformity to every principle of connection, and that the boldest exercise of freedom, and the noblest indulgence of every loyal affection, are perfectly conformable to the closest bands with the British connection. This is the way to promote the connection. Nations are governed, not by interest only, but by passion also; and the passion of Ireland is freedom. So much her passion is, that if any Parliament could bring this nation bound hand and foot to the feet of the throne, with a proffer of her liberties; a wise monarch, who loved power, would reject the proffer of her servitude, and set her free to command her absolutely.

I must abjure the impolicy of the argument I have heard this night; but, on principle as well as policy, I must condemn it; and even could I have hesitated before about the propriety of the measures I have submitted, yet now I should think it indispensable to insist upon them, because the doctrine advanced is a challenge to this House. You are now called upon to assert the rights of your monarchy; to maintain the existence of a King of Ireland, and the imperial rights of the Irish crown. It is no longer about the energy of government, important as that question may be. It is no longer a question about the dignity of your princes, great and august as their rank and situation and qualities have rendered them. It is a question that comes home to yourself; you must exert an original mind on this subject: you must dare to love the royal family; you must do honour to your Prince, to exert the freedom of your people.

The question being put on the resolution, it passed without a division, and a committee was accordingly appointed to draw up an address to His Royal Highness the Prince of Wales.

REGENCY.

ADDRESS TO THE PRINCE OF WALES TO ASSUME THE TITLE AND POWERS OF REGENT OF IRELAND.

February 17. 1789.

ON the 12th, Mr. Fitzherbert informed the House, that, by His Excellency's command, he had to lay before them the resolutions agreed to by both Houses of the British Parliament, and laid before His Royal Highness the Prince of Wales; together with the answer of His Royal Highness. The paper containing the resolutions was ordered to be laid on the table.

Mr. Connolly reported the following address from the committee appointed to prepare the same:

"May it please Your Royal Highness,

"We, His Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, beg leave humbly to request that Your Royal Highness will be pleased to take upon you the government of this realm during the continuation of His Majesty's present indisposition, and no longer; and, under the style and title of Prince Regent of Ireland, in the name and on the behalf of His Majesty, to exercise and administer, according to the laws and constitution of this kingdom, ALL REGAL POWERS, JURISDICTION, AND PREROGATIVES TO THE CROWN AND GOVERNMENT THEREOF BELONGING."

The address was opposed by Mr. Wellesley Pole and the Attorney-general, who stated, that he considered the address was tending to dethrone the King. The question was put, and it was carried without a division.

On this day (the 17th), the Chancellor of the Exchequer stated, that so much of the session had passed over, that it would be scarcely possible to pass even the shortest money bill without violating several orders of the House, if another day was lost; he therefore wished that the business might be permitted to go on. Sir Henry Cavendish observed, that there was no standing order in force. The Attorney-general said, that whenever there is a majority against administration, that majority must be considered as the governing power of the country; and if that power should stop the bill which prevents the disbanding of the army, and the bill of supply, the evil consequences of such a proceeding would fall upon their heads.

Mr. GRATTAN said: what the right honourable baronet (Sir Henry Cavendish) has offered, is a complete and conclusive reason for not proceeding in the manner he desires. If, as has been said by the right honourable baronet, there be no discussion, no debate, or division, then possibly the bills may pass before the 25th of March; but this would be reducing the committee to a mere form; and I own, at any time, I would

rather break through a standing order than pervert its intention. However, I think a short bill may be drawn, which will answer every purpose. We may then go into the committee, where we can proceed with proper deliberation and due attention.

I admit that what has fallen from the right honourable gentleman the Chancellor of the Exchequer, contains matter of great importance, and well worthy the attention of the House. My own opinion at first had been, that, having agreed to the address for supplying the deficiency in the third estate, we should impose a total suspension of public debate. A right honourable gentleman on the other side said, "the gentlemen in opposition to administration were the government, and that the administration were not the government. If it were so, then it must be acknowledged that the gentlemen who where said to be the government gave a very strong instance of their moderation, in not desiring to make use of their power, and in checking every exercise of it, and imposing a total suspension of debate until the third estate was perfect. As to the continuation of the present bills, the necessity was apparent; but declining the exercise of power in any other case was certainly a proof of moderation in gentlemen, when there was no superior power in the country to controul them.

The right honourable gentlemen (the Attorney-general) is not warranted in supposing that we would run a risk of disbanding the army, or of disappointing the public creditors. There is no such thing to be apprehended; and, therefore, I laugh at such imaginary terrors. Neither is there any proof of a want of moderation in the persons who compose the majority in this or in any other House. It has not been proposed that Parliament shall adjourn until the address of His Royal Highness shall be received. It is only intended to adjourn from day to day. However, the opinion of the right honourable the Chancellor of the Exchequer deserves every degree of attention; and if to-morrow he will be pleased to lay before the House any just grounds for apprehending that the army may be disbanded, that treaties may be infringed; or that public credit may be injured, by the mode intended to be pursued; arguments supported on such grounds will doubtless have their full force in the minds of gentlemen. I cannot say what doctrines were maintained in another place, not having attended the debate. But what I saw in the papers was mere nonsense, equally unconstitutional and illegal. I am, therefore, convinced it could neither be the sentiments or speech of any noble lord; but I have the most indubitable evidence now on the table,

that the Lords have concurred with us in the address, and this is ground enough for me to presume that they have concurred with us in opinion.

A message was received from the Lords, that they had concurred with the Commons in their address to His Royal Highness the Prince of Wales, and made the following amendment therein (proposed by Lord Charlemont): After the word "assembled," and before the word "beg," the following words were inserted: "Beg leave to approach your Royal Highness with hearts full of the most loyal and affectionate attachment to the person and government of your royal father, to express the deepest and most grateful sense of the numerous blessings which we have enjoyed under that illustrious House, whose accession to the throne of these realms has established civil and constitutional liberty upon a basis which we trust will never be shaken; and at the same time, to condole with Your Royal Highness upon the grievous malady with which it has pleased Heaven to afflict the best of sovereigns. "We have, however, the consolation of reflecting, that this severe calamity hath not been visited upon us until the virtues of Your Royal Highness have been so matured, as to enable Your Royal Highness to discharge the duties of an important trust, for the performance whereof the eyes of all His Majesty's subjects of both kingdoms are directed to Your Royal Highness."

This amendment was agreed to, and it was ordered that Mr. Connolly do carry the address, as amended, back to the Lords.

The following was the paper laid before the House by order of the Lord-lieutenant:

Copy of the resolutions agreed to by the Lords Spiritual and Temporal, and Commons, of Great Britain, and laid before his Royal Highness the Prince of Wales, on Friday, January 30th, 1789, with His Royal Highness's answer thereunto.

Die Veneris, 23 *Januarii*, 1789.

Resolved, That for the purpose of providing for the exercise of the royal authority during the continuance of His Majesty's illness, in such manner and to such extent as the present circumstances and urgent concerns of the nation appear to require, it is expedient that His Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the royal authority, according to the laws and constitution of Great Britain, in the name and on the behalf of His Majesty, and under the style and title of Regent of the kingdom, and to use, execute, and perform, in the name and on the behalf of His Majesty, all authorities, prerogatives, acts of government and administration of the same, which belong to the King of this realm to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided.

Resolved, That the power so given to His Royal Highness the Prince of Wales, shall not extend to the granting of any rank, or

dignity of the peerage of the realm to any person whatever, except to His Majesty's royal issue, who shall have attained the full age of twenty-one years.

Resolved, That the said powers should not extend to the granting of any office whatever, in reversion or to the granting of any office, salary, or pension, for any other term than during His Majesty's pleasure, except such offices as are by law required to be granted for life or during good behaviour.

Resolved, That the said powers should not extend to the granting of any part of His Majesty's real or personal estate, except so far as relates to the renewal of leases.

Resolved, That the care of His Majesty's royal person, during the continuance of His Majesty's illness, should be committed to the Queen's most Excellent Majesty; and that Her Majesty should have power to remove from, and to nominate and appoint such persons as she shall think proper to the several offices in His Majesty's household, and to dispose, order, and manage all other matters and things relating to the care of His Majesty's royal person during the time aforesaid; and that for the better enabling Her Majesty to discharge this important trust, it is also expedient that a council should be appointed to advise and assist Her Majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine, upon oath, the physicians and others attending His Majesty's person, touching the state of His Majesty's health, and all matters relative thereto.

Die Mercurii, 28 *Januarii*, 1789.

Resolved, That a committee be appointed to attend His Royal Highness the Prince of Wales, with the resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the royal authority during His Majesty's illness, by empowering His Royal Highness to exercise such authority in the name and on the behalf of His Majesty, subject to the limitations and restrictions which the circumstances of the case appear at present to require; and that the committee do express the hope which the Lords and Commons entertain, that His Royal Highness, from his regard to the interests of His Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in His Royal Highness as soon as an act of Parliament shall have been passed for carrying the said resolutions into effect.

Die Jovis, 29 *Januarii*, 1789.

Ordered, That the Lord President of the Council, and the Lord Privy Seal, do attend His Royal Highness the Prince of Wales, with the several resolutions agreed to by both Houses of Parliament, for the purpose of supplying the defect of the personal exercise of the royal authority during His Majesty's illness, on the part of this House.

Die Sabbati, 31 *Januarii*, 1789.

The Lord President reported, that he and the Lord Privy Seal

had, according to order, waited on His Royal Highness the Prince of Wales with the resolutions of both Houses of Parliament, and that His Royal Highness was pleased to return the following answer:

"My Lords and Gentlemen,

"I thank you for communicating to me the resolutions agreed to by the two Houses, and I request you to assure them, in my name, that my duty to the King (my father), and my anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority, together with my respect for the united desires of the two Houses, outweigh, in my mind, every other consideration, and will determine me to undertake the weighty and important trust proposed to me, in conformity to the resolutions now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstances in which it was committed to my charge, in which, as I am acquainted with no former example, my hopes of a successful administration cannot be founded on any past experience; but confiding that the limitations on the exercise of the royal authority, deemed necessary for the present, have been approved only by the two Houses as a temporary measure, founded on the loyal hope, in which I ardently participate, that His Majesty's disorder may not be of long duration, and trusting, in the meanwhile, that I shall receive a zealous and united support in the two Houses, and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope, that my faithful endeavours to preserve the interests of the King, his crown, and people, may be successful.

"Ordered, That the said resolutions, with the answer of His Royal Highness the Prince of Wales thereunto, be forthwith printed and published.

(Signed) "GEORGE ROSE, Cler. Parliamentor."

(A true copy.) "ALLEYNE FITZHERBERT."

SUPPLY.

February 18. 1789.

ON the preceding day, the address to His Royal Highness the Prince of Wales was returned from the Lords, who agreed thereto, with the insertion of an amendment complimentary to His Majesty. It was agreed to by the Commons; and, on this day, Mr. Grattan moved "That this House do accompany the Lords to-morrow, at half after three o'clock, in carrying up to His Excellency the Lord-lieutenant, the address of both Houses to His Royal Highness the Prince of Wales."

The question being put, it passed unanimously.

Mr. GRATTAN then said: with respect to the business of going into the supply, it had been his opinion that it would be highly improper, until the two Houses had provided for the deficiency in the third estate, which they had now done, by addressing His Royal Highness the Prince of Wales to take upon himself the government of the realm during His Majesty's present indisposition. Any step previous to this would not only have been improper, but, he would say, unconstitutional. But having now done with that business, and resting in confident expectation that His Royal Highness will accept the regency, and having weighed with great attention the arguments of the right honourable gentleman (the Chancellor of the Exchequer), he was disposed to accelerate, as much as possible, the public business. The right honourable gentleman had declared, that there was still time to pass the money bills. He was convinced the right honourable gentleman was right; and, therefore, he and the gentleman with whom he acted, stood clear of any imputation or blame that might arise from delay. He and his friends, the country gentlemen of Ireland, had acted upon principle, and he rejoiced that in so doing no inconvenience had been laid upon the country. It had been his intention to continue the duties and loans by short money bills, and he had in view, as a precedent, the short money bill of 1779, which, by the way, he observed, though productive of the greatest good, had produced to the country none of the inconveniencies which gentlemen had seemed to apprehend. He was, however, willing to be counselled in the present case by the right honourable the Chancellor of the Exchequer in the mode of procedure; for he agreed with him, that the spirit of the standing orders of the House, whether these orders had been received or not, was a necessary guard, intended to stop any improvident grant of the public money. He proposed, therefore, for the present, to let the necessary bills be passed in the most expeditious way, observing all the usual forms, and keeping still open the committee of accounts, whereby the House might, at a future period of the session, investigate the public revenue and expences, with the greatest accuracy. He concluded with observing, that he would not have ventured to consent to these measures, had he not first consulted that most respectable description of persons, the country gentlemen; they were for going on with the public business, and he was ever happy in agreeing with their wishes.

The order of the day, "That the House do take *His* Excellency the Lord-lieutenant's speech into *consideration*," was then agreed to. The House went into a committee of supply; and the

motion, that a supply be granted to His Majesty, passed unanimously.

ANSWER OF THE LORD-LIEUTENANT.—REFUSAL TO TRANSMIT THE ADDRESS.

February 19. 1789.

ON this day the Lords and Commons, with the Chancellor and Speaker at their head, went in procession to the Castle, to wait on the Lord-lieutenant with their address, to be transmitted by His Excellency to His Royal Highness the Prince of Wales; and when the House met, the Speaker informed them that they had attended the Lord-lieutenant, and that His Excellency had returned the following answer:

"Under the impressions which I feel of my official duty, and of the oaths which I have taken, as chief governor of Ireland, I am obliged to decline transmitting this address to Great Britain; for I cannot consider myself warranted to lay before the Prince of Wales an address, purporting to invest His Royal Highness with power to take upon him the government of this realm, before he shall be enabled by law so to do."

Mr. GRATTAN said: it would be highly improper to enter into any business after such an answer had been received; and, in order to consider what steps were necessary to be taken, he should move the question of adjournment. He hoped the House on this important occasion would act with dignity, temper and decision. He therefore moved, that the House do adjourn till to-morrow.

This motion was unanimously agreed to; and the House adjourned accordingly.

REGENCY.

MR. GRATTAN PROPOSES CERTAIN RESOLUTIONS IN CONSEQUENCE OF THE REFUSAL OF THE LORD-LIEUTENANT TO TRANSMIT THE ADDRESS.

February 20. 1789.

MR. FITZHERBERT (secretary) moved, that the answer of the Lord-lieutenant be entered on the journals. After a few words from Mr. Todd Jones and Mr. Grattan, who said, I am

satisfied to let the answer be entered on the journals, in order to make way for some resolutions which I intend to propose, as necessary to carry the intention of the two Houses into effect, and as a vindication of their honour and constitutional conduct. The motion was agreed to.

Mr. GRATTAN then moved, "That His Excellency the Lord-lieutenant, having thought proper to decline to transmit to His Royal Highness George Prince of Wales the address of both Houses of Parliament, a competent number of members be appointed by this House to present the said address to his Royal Highness."

The Attorney-general asked what number were to be appointed.

Mr. GRATTAN explained: that he had left the number at large, and made use of the words "competent number," because he did not wish to conclude the Lords; and as it was always the practice that two members of the House of Commons should be named for one of the other House, in cases where both Houses acted in concert by a deputation, he wished the Lords first to name their number, and the Commons would afterwards appoint twice so many.

The measure was strongly opposed by the Attorney-general and Mr. Parsons (afterwards Lord Ross). It was, however, carried without a division.

Mr. GRATTAN then moved, "That Mr. Connolly do attend the Lords with the said resolution, and acquaint them that this House requests them to appoint members of their own body, to join with the members of the Commons in presenting the said address;" which motion was agreed to.

Mr. GRATTAN then moved, "That the answer of His Excellency the Lord-lieutenant should be read;" which being done,

Mr. GRATTAN said: I do not think it possible after the answer we have just heard, that any gentleman can entertain a doubt of the necessity of our coming to some resolutions to maintain the dignity and privileges of Parliament. Sir, we were wise in adjourning last night to give time to deliberate; — it was an awful pause; a solemn interval, and will give weight and consequence to the measures we may adopt. In any controversy with the chief governor, it becomes us to observe the most punctilious ceremony, and in the particular case before the House tenfold attention is necessary, because it is to remain a record and a precedent upon your journals; because it is a case on which the privileges of the country depend. Our conduct, therefore, should be founded in law and the constitution, and should be even respectful to the chief governor who has

maligned our proceedings. I will, therefore, move a resolution, the truth of which no man can deny; and if it be admitted, the Lord-lieutenant's answer must necessarily be disallowed. He then moved, "That in addressing His Royal Highness the Prince of Wales to take upon himself the government of this country, on the behalf and in the name of His Majesty, during His Majesty's present indisposition, and no longer, the Lords and Commons of Ireland have exercised an undoubted right, and discharged an indispensable duty, to which, in the present emergency, they alone are competent."

This was strongly opposed by the Chancellor of the Exchequer (Sir J. Parnell), Serjeant Toler, Serjeant Hewit, and the Attorney-general (Fitzgibbon), who said, this was a measure that committed the two countries; the principles of the address were pernicious and unconstitutional; that the claim set up by the two Houses of Parliament was illegal and unfounded; that the connexion between the two crowns was shaken by it, and the security by which men held their property in Ireland was endangered; that the Lords and Commons of Ireland had not a shadow of right to provide, by their authority, for the executive government of Ireland; and if the Lord-lieutenant had transmitted the address, he would have subjected himself to impeachment.

It was supported by Mr. Forbes, Mr. Bushe, Mr. Arthur Brown, Mr. Curran, and Mr. Charles O'Neill. They denied the doctrine laid down by the Attorney-general, and contended that the Regent of England was not, *de jure*, Regent of Ireland; and this even the debates in the English Parliament admitted; that the conduct of the Lord-lieutenant was deserving of censure, in setting up his opinion against the legal act of the two Houses of Parliament. A stigma had been cast upon the proceedings of the two Houses of Parliament of Ireland, and their dignity required a vindication.

The Chancellor of the Exchequer moved an amendment to the resolution, by inserting after the word "country," and before the word "on," the following words, "according to the laws and constitution of this realm." This was agreed to; and the question being put on the motion thus amended, the House divided;—Ayes 130, Noes 71. Tellers for the Ayes, Sir John Blaquiere and Mr. Browne; for the Noes, the Attorney-general and Serjeant Toler.

Mr. GRATTAN then addressed the House: Sir, I did not take up your time on the last question, which has been just carried. It was a moment for acting, not speaking. Having now asserted your rights, I hope no members will hereafter be so indecent, so unconstitutional, or so extravagant, as to combat them.

No man now, I hope, will presume to affirm, that an English regent, made by English statute, has any authority in

this kingdom, unless he shall be also made regent in Ireland by the consent and advice of the Lords Spiritual and Temporal, and the Commons of Ireland.

No member will now, I hope, presume to call your addresses illegal. No member will now attempt to say, that the principles they contain are pernicious. No man will now attempt to say, that a Lord-lieutenant, taking his commission under the authority of a regent, invited by this address, is liable to impeachment. No man will now, I hope, resort to such a mean artifice to undermine the new government.

Your resolution has imposed on these assertions, I hope, becoming silence. You have asserted your rights; you have deputed a committee of your own members to present your address to the Prince of Wales; it remains for you now to censure the Viceroy.

I now move, that it be resolved, "That His Excellency the Lord-lieutenant's answer to both Houses of Parliament, requesting him to transmit their address to His Royal Highness the Prince of Wales is ill-advised; contains an unwarranted and unconstitutional censure on the proceedings of both Houses of Parliament, and attempts to question the undoubted rights and privileges of the Lords Spiritual and Temporal, and the Commons of Ireland."

This was opposed by Sir Frederick Flood, Mr. H. L. Rowley, Mr. Parsons, and the Attorney-general, who moved the following amendment: "Although this House cannot know the impressions of official duty, nor the obligations of the oath under which His Excellency feels himself obliged to act, and although His Royal Highness the Prince of Wales is not as yet invested with the powers of Regent in Great Britain."

Mr. Parsons attacked the conduct of Mr. Grattan throughout the entire of this proceeding, and accused him of want of consistency. "If the title-deed of my property (said he) was a king's letter, and, in the moment of his distress, I hurried, with indecent haste, to strip him, defenceless as he lay, of his robes of royalty, I should be inconsistent."

Mr. GRATTAN replied: I am sure the House would think me extremely ill-bred, were I, at this late hour, to waste their time in answering the honourable gentleman; I shall not, therefore, be guilty of such ill-breeding. I shall only observe on one point: Sir, I do not owe my property to a king's letter; I hold my property by the same tenure the House of Brunswick holds the throne of these realms — the gift of the people and the constitution.

The question was put on the amendment, and the House divided; — Ayes 78, Noes 119; Majority against the amendment of the Attorney-general 41. Tellers for the *Ayes*, Right Hon-

ourable William Conyngham and Mr. Parsons; Noes, Sir John Blaquiere and Mr. Forbes.

Mr. Burgh (the Accountant-general) then moved another amendment, to come in at the end of the original motion, "of making a Regent of Ireland without law, and whom we know not to be Regent of Great Britain." He said, he wished as much as any man to have His Royal Highness made Regent of Ireland as soon as he was made Regent of England.

The amendment was negatived without a division; and the main question being put, the House divided; — Ayes for the main question 115, Noes 83; Majority for Mr. Grattan's resolution 32. Tellers for the Ayes, Sir John Blaquiere and Mr. Forbes; Noes, Mr. Wellesley Pole and Mr. Marcus Beresford.

A message was received from the Lords, stating that the Lords had concurred in the resolution of the Commons, and had appointed "His Grace the Duke of Leinster, and the Earl of Charlemont, to join with such members as this House shall appoint, in presenting the address of both Houses to His Royal Highness the Prince of Wales."

Mr. GRATTAN then moved, "That the right honourable Thomas Connolly, right honourable John O'Neill, right honourable W. B. Ponsonby, and James Stewart, Esq. should be appointed the members on the part of the Commons, to present the address of both Houses to his Royal Highness the Prince of Wales."

They were unanimously appointed, and individually expressed the deep sense of the high honour conferred by the House.

SUPPLY.—SHORT MONEY BILL.

MR. GRATTAN MOVES THAT THE SUPPLY BE GRANTED FOR A LIMITED PERIOD.

February 25. 1789.

MR. MASON reported from the committee of supply the following resolutions:

"That it is the opinion of this committee, that a sum not exceeding 2,240,204*l.* 14*s.* 8*d.* was the debt of the nation at Lady-day, 1788.

"That it appears to this committee, that the nation is also liable to the payment of certain life annuities, at the rate of 6*l.* per cent. per annum, for a sum of 440,000*l.*; and is also liable to the payment of certain other life annuities, at the rate of 7*l.* 10*s.* per cent. per annum, for a further sum of 300,000*l.*

"That it is the opinion of this committee, that a supply be granted to His Majesty towards payment of the said debt and the said annuities, and towards supporting the several branches of the establishments, and for defraying the other necessary expences of government for one year, ending the 25th of March 1790."

Mr. GRATTAN said, that he had an amendment to propose: he observed, that on a former night he had, on avowing his intention to move a short money bill, emphatically declared that it was his intention to provide for the support of public credit by voting the loan duties, by voting those that related to our colony treaty, and those that related to the treaty with the French King; his amendment positively excluded them, and he mentioned it in the hope that gentlemen, in the course of argument, might not avail themselves of what had no foundation; he did not think the exceptions necessary which related to our treaties; but he adopted them lest any alarm, real or pretended, should go abroad. This was no new matter, and they might proceed according to the usual rules of Parliament.

In the report from the committee of accounts it had been stated, that they had not had time to examine the various articles, and, therefore, the House would act wisely to pause; for if they voted the establishments for a year, they would be bound to provide for them, although no examination had taken place.

He then moved an amendment to the last resolution, by inserting after the word "annuities," the following words, "and for supporting certain branches of the establishment, and defraying certain of the other necessary charges of government for one year ending the 25th of March 1790, and for supporting the remainder of the branches of the establishment, and defraying the remaining necessary charges of goverment for two months, ending the 25th of May next inclusive:"—and that the remaining words of the resolution after the word "annuities," be expunged.

This was strongly opposed by Mr. Corry, the Attorney-general, the Chancellor of the Exchequer, Mr. Marcus Beresford, and Mr. Denis Daly. The Attorney-general said, that economy was not the real object of this measure; it was proposed with a view to restrain the prerogative of the crown, and prevent a dissolution. A proceeding of such a nature, in the time of Lord Townsend, had cost the people half a million of money to procure an address from their representatives to His Excellency. I hope I shall never again see half a million of money employed in such a manner. It was supported by Mr. George Ponsonby, Mr. Gervais Parker Bushe, and Mr. Brownlow, who contended that His Excellency was unfortunately at variance with the two Houses of.

Parliament, and that it was necessary for them to have recourse to such a measure as the present. Lord Townsend had prorogued the Parliament, and entered a protest against their proceedings, because they had exercised the right of originating bills of supply. Now, what Lord Townsend had done, the Marquis of Buckingham might do, if the supplies were voted for a year.

The question being put, there appeared; — Ayes 105, Noes 85. Tellers for the Ayes, Mr. George Ponsonby, Mr. Arthur Browne; for the Noes, Major Hobart, Sir Nicholas Lawless.

The next resolutions were then read, "That 12,000 effective men, commission and non-commission officers included, are necessary to be maintained within this kingdom for its defence.

"That to enable His Majesty to carry into execution his gracious intentions and determined resolution, signified to us by Lord Viscount Townsend, late Lord-lieutenant of this kingdom, by His Majesty's command, to keep within this kingdom, for the necessary defence of the same, 12,000 effective men, commission and non-commission officers included, at all times; unless in cases of invasion or rebellion in Great Britain, 3232 men, commission and non-commission officers included, be maintained for one year, from the 31st of March, 1789, to the 1st day of April, 1790, inclusive; so as that the forces on the establishment of this kingdom may amount to 15,232 effective men, commission and non-commission officers included."

Mr. GRATTAN moved an amendment to this resolution, by inserting after the word "maintained," the words "from the 31st day of March 1789, to the 1st day of June 1789," and expunging the words, "for one year from the 31st of March 1789, to the 1st day of April 1790," and that the words that follow be expunged.

The question being put on this amendment, the House divided; — Ayes 102, Noes 77. Tellers for the Ayes, Mr. George Ponsonby and Mr. Arthur Browne; for the Noes, Major Hobart, Sir Nicholas Lawless.

The forty-second resolution was then read: "That the supply granted to His Majesty towards payment of the said debt, annuities, establishments, and other charges of government, be a sum not exceeding 3,252,283*l.*"

Mr. GRATTAN moved an amendment to the resolution, by inserting after the word "exceeding," the words "three millions," and expunging the words "three millions two hundred and fifty-two thousand two hundred and eighty-three pounds."

And the question being put on the amendment, it was carried without a division.

SUPPLY.—SHORT MONEY BILL.

February 26. 1789.

THE House resolved itself into a committee of ways and means, Mr. Mason in the chair. On the first resolution being moved in the committee, viz. "That the several duties, &c. hereinafter mentioned, be granted to His Majesty, from the 25th of March, 1789, to the 25th of March, 1790," Mr. Grattan moved, as an amendment, to insert the words "to the 25th of May, 1789," instead of the words "to the 25th of March, 1790."

This was strongly opposed by Mr. Parsons and the Attorney-general, who alleged that the object of these proceedings was to restrain the Crown in the exercise of its undoubted prerogative, and to prevent the prorogation of Parliament; that having quarrelled with the Lord-lieutenant, they became apprehensive of his resentment, and wished to prevent him from exercising his undoubted prerogative. He had voted for a short money bill before, because the country required free trade; but the object of this measure was faction. He inveighed in severe terms against the opposition.

Mr. GRATTAN said: I think it necessary to make some observation on the charges of faction so liberally thrown out by the right honourable gentleman. Against whom were those charges made? Against the Lords and Commons of Ireland who had voted an address to the Prince of Wales; against the Lords and Commons of Ireland that supported the constitution of this country; against the Lords and Commons of Ireland who censured Lord Buckingham, when he maligned their conduct, and opposed them in the exercise of their undoubted privileges. I am astonished that the right honourable gentleman should venture to throw out these charges. I am still more astonished at the calm temper with which gentlemen received them; but their moderation was honourable, their calmness was dignity.

The right honourable gentleman has said, that the measure of a two months' money-bill could not be supported on the ground of economy; and blamed, as a measure of faction, an attempt to prevent the exercise of the undoubted prerogative of the Crown, in dissolving or proroguing Parliament. Did the right honourable gentleman recollect, that if such was the undoubted prerogative of the Crown, the undoubted prerogative of Parliament was to grant or withhold the people's money, as they judged most conducive to the people's welfare; and if they thought that the Crown might be advised to

abuse its prerogative, they were warranted in guarding against such abuse? For, if His Excellency should be persuaded that Parliament acted upon a low principle of faction, much was to be apprehended; and it would be pusillanimous in Parliament not to guard against an improper exercise of the prerogatives of the Crown.

The right honourable gentleman has alluded to a report which, he said, was current through the town, as to a paper containing several names. If such a paper does exist; if it is founded on a principle of honour that binds man to man; if it is founded on a principle of securing the rights of Parliament, and the privilege of uninfluenced voting, inviolate, then such a paper is not only honourable, but necessary; and if, by the language thrown out, any man shall be prevented from entering into such an association, he must feel a want of spirit, and sink in his own esteem.

As to the House having quarrelled with the Lord-lieutenant, the right honourable gentleman has stated a wrong position; it was not the House that quarrelled with the Lord-lieutenant, it was the Lord-lieutenant that quarrelled with us, and it is wise to prevent him from carrying a measure of revenge into execution.

The amendment was supported by Mr. Hardy, Mr. Brownlow, Mr. Saunderson, and Mr. Arthur Browne: — Ayes for the amendment 65, Noes 50; Majority for Mr. Grattan's motion 15. Teller for the Ayes, Mr. Saunderson; for the Noes, the Attorney-general.

COMMISSIONERS' LETTER. — THE PRINCE OF WALES'S ANSWER.

March 2. 1789.

THE Speaker informed the House that a letter had been delivered to him in the chair this day, directed "To the right honourable the Speaker of the House of Commons, Ireland," which he read to the House, and it contained as follows:

COMMISSIONERS' LETTER.

"To the right honourable the Speaker of the House of Commons, Ireland.

"Sir, we have the honour to acquaint you, for the information of the House of Commons, that, in pursuance to their order, we have presented the address of both Houses to His Royal

Highness the Prince of Wales, who was graciously pleased to give us the enclosed answer, from which it will appear to the House, that it is our duty to wait His Royal Highness's further commands.

"We have the honour to be, Sir, your most obedient humble servants,

"Thos. Conolly, W. B. Ponsonby,
John O'Neill, Ja. Stewart.

"*London, Feb.* 27. 1789."

THE PRINCE'S ANSWER.

"My Lords and Gentlemen,

"The address from the Lords spiritual and temporal, and Commons, of Ireland, which you have presented to me, demands my warmest and earliest thanks.

"If any thing could add to the esteem and affection I have for the people of Ireland, it would be the loyal and affectionate attachment to the person and government of the King, my father, manifested in the address of the two Houses.

"What they have done, and their manner of doing it, is a new proof of their undiminished duty to His Majesty, of their uniform attachment to the House of Brunswick, and of their constant care and attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland, so indispensably necessary to the prosperity, the happiness, and liberties of both.

"If, in conveying my grateful sentiments on their conduct in relation to the King, my father, and to the inseparable interests of the two kingdoms, I find it impossible adequately to express my feelings on what relates to myself, I trust you will not be the less disposed to believe, that I have an understanding to comprehend the value of what they have done, an heart that must remember, and principles that will not suffer me to abuse their confidence.

"But the fortunate change which has taken place in the circumstances which gave occasion to the address agreed to by the Lords and Commons of Ireland, induces me for a few days to delay giving a final answer, trusting that the joyful event of His Majesty's resuming the personal exercise of his Royal authority may then render it only necesary for me to repeat those sentiments of gratitude and affection for the loyal and generous people of Ireland, which I feel indelibly imprinted on my heart."

Mr. GRATTAN then moved, "That the letter and His Royal Highness's answer to the address be entered in the journals of the House." Ordered unanimously.

Mr. Grattan observed, that as His Royal Highness's answer was not final to the business, it would be at present unnecessary and unseasonable to enter into any resolutions thereon.

OFFICES IN REVERSION.

MR. GRATTAN PROPOSES HIS RESOLUTION RESPECTING THE GRANT OF OFFICES IN REVERSION.

March 3. 1789.

MR GRATTAN said: Sir, I rise to offer to the House a resolution which I think is absolutely necessary from a transaction that has lately taken place. I think it necessary to call to the attention of the House certain principles which the gentlemen with whom I have generally the honour to coincide have considered as the indispensable condition without which no government could expect their support, and which the present government had resisted.

The first was a reform of the police. At present the institution could only be considered as a scheme of patronage to the Castle and corruption to the city; a scheme which had failed to answer the end of preserving public peace, but has fully succeeded in extending the influence of the Castle.

It had been thrown out on a former occasion when I had intimated my intention of reforming the police, that the bill to be proposed would be as bad as that at present existing, but that assertion was not founded in truth. The bill which I wanted to introduce was intended to rescue the corporation of the city out of the court, and to make them responsible to the public for their conduct, to restore the peace and liberty of the city, and to provide against any abuse of power in those to whom the guardianship of that peace and liberty should be committed. This bill had in the last session been stated as necessary, but had been resisted by Lord Buckingham's government, but it should now be soon introduced.

Another principle much desired was to restrain the abuse of pensions by a bill similar to that in Great Britain. This principle Lord Buckingham had resisted, and his resistance to it is one great cause of my opposing his government.

To these I would add another principle, — the restraining revenue officers from voting at elections. This is a principle of the British Parliament, and it is certainly more necessary here from what had lately taken place, where, by a certain union of family interests, counties had become boroughs, and those boroughs had become private property.

But the principle to which I beg to call the immediate attention of the House, is that of preventing the great offices

of the state from being given to absentees. This is a principle admitted by all to be founded in national right, purchased by liberal compensation, and every departure from it must be considered as a slight to the nobility and gentry of Ireland, who certainly were better entitled to the places of honour and trust in their own country, than any absentee could possibly be; but, besides the slight shown to the nobility and gentry of Ireland, by bestowing places of honour, of profit, and of trust, on absentees, the draft of money from this country, the institution of deputies, (a second establishment unnecessary were the principals to reside,) the double influence arising from this raised the abuse into an enormous grievance.

After the nation had recovered its liberty, one of the first objects was to bring home the great offices of the state. These have been taken away in an unjust manner, and in violation of native right when the country was under oppression. I do not mean to enter into a question, whether too much was paid for bringing home great employments. I shall not dispute the price, as it was the purchase of a principle; but the principle being once established, that it was wise and honourable in the nation to purchase home the great offices of the state, and this having been actually reduced to practice in instances of the chancellorship of the Exchequer, the vice-treasurership, the clerk of the crown and hamper, &c. it followed as a necessary consequence that the granting away again great places, to absentees, must be highly improper, and a gross violation of the principle purchased by the nation.

With respect to the reversionary patent granted to Mr. Grenville; of that gentleman's merits in his own country, he would say nothing, they could be no reason for granting him a great employment in this, where it was most certain he never would reside; and, therefore, in condemning the grant, no one had a right to argue that it was condemned as a grant to the Lord-lieutenant's brother, but as a grant to a person that must necessarily be an absentee. It must be condemned as a slight and an affront to the native resident nobility and gentry of Ireland.

I beg to ask, are we ready to submit to such an insult? Are we ready to submit to have the principle which we have purchased violated? Are we ready to return to that state of degradation and contempt, from which the spirit of the nation has so lately emancipated itself? If we are not, we shall not hesitate to come to a resolution asserting the principle which we have purchased. I shall submit such a resolution worded in the most guarded manner, not attacking the prerogative of the Crown to grant, but condemning the advice by which the

Crown was misled to abuse that prerogative. I therefore move the following resolution: —

"Resolved, that recommendations for the purpose of granting the great offices of this kingdom, or the reversion of great offices, to absentees, are improvident and prejudicial, especially now as great annual charges have been incurred by making compensation to absentees for resigning their offices, that those offices might be granted to residents."

The motion was opposed by Mr. Parsons, Mr. O'Hara, Mr. Coote, Mr. Hobart, the Chancellor of the Exchequer, the Attorney-general, and the Prime Serjeant. They contended that the resolution conveyed a false impression; namely, that the Crown was disposed to grant the great offices of state away from the nobility and gentry of the country. The fact was the reverse. The judges and the bishops (a thing before unheard of) were now almost all Irishmen; besides, the Crown had a right to bestow places on whomsoever it thought proper. As to the office which Mr. Grenville held, it required laborious attention, and must be executed by deputy; and Mr. Grenville deserved the reward for the exertions he had made to obtain an act of relinquishment, on the part of England, of the claim to legislate for Ireland. On this topic Mr. Parsons enlarged, and entered into an invective against the conduct of Mr. Grattan, and the line he took on the subject of simple repeal. Mr. Grattan replied; but as these speeches were of a personal nature, and the difference that followed was adjusted in the House, it is unnecessary to make further mention of them. The motion was supported by Mr. Charles O'Neill, Mr. Hardy, Mr. George Ponsonby, Mr. Forbes, and Mr. Curran. They defended the principle of the motion. It was injurious to the country to grant offices to absentees, and still more so to grant offices in reversion; and what had lately occurred was a proof of it. A pension of 1700*l.* a-year was placed on the establishment, by the present Lord-lieutenant, for the Secretary to the late Lord-lieutenant; and this reversion he had granted to his own brother. The King's prerogative was too frequently abused by such improvident and unjustifiable grants; and this measure would go to restrain the evil.

The Attorney-general moved the question of adjournment; on which the House divided; — Ayes 115, Noes 106; Majority for the adjournment 9. Tellers for the Ayes, Major Hobart and Mr. Denis Browne; for the Noes, Sir Edward Newenham and Mr. Curran.

PENSION BILL.

MR. FORBES MOVES THE BILL TO DISQUALIFY PENSIONERS FROM SITTING IN PARLIAMENT.

March 9. 1789.

ON the 4th of March, Mr. Forbes had obtained leave to bring in "A bill to disable any person from being chosen a member of, or sitting or voting in, the House of Commons, who has any pension during pleasure, or for any number of years from, or holds any office or place of profit created after, a certain time, under the Crown, and to limit the amount of pensions." On this day it was read a second time; and Mr. Forbes moved that it be committed. Mr. Mason said that the bill was introduced for the purpose of diminishing the influence and just prerogatives of the Crown; and as he had uniformly opposed all measures of such a nature, he would move that "the bill be committed on the 1st of May next." This was supported by the Attorney-general, Mr. Denis Browne, the Chancellor of the Exchequer, Mr. Holmes, Mr. Hamilton, Mr. Alexander, Mr. Hobart, Mr. Toler, and Mr. Marcus Beresford. They objected to the measure as being peculiarly ungracious at the present moment, to salute His Majesty, on his recovery, with marks of indignation and complaint. This measure would effect a change in the constitution, and abridge the rights of the Crown. It should be remembered, that, in the year 1757, a factious aristocracy bore down the government. The aristocracy at present have overcome the government, and a proper influence in the Crown was necessary to counterbalance it. The original motion was supported by Mr. Brownlow, Mr. Dunn, Major Doyle, Mr. Arthur Browne, Mr. Westby, Mr. Hardy, Mr. Curran, Mr. Corry, and Mr. George Ponsonby. They said, it was necessary to controul the grants of our chief governors; that the principle was a constitutional one; it was acted on in Great Britain, where a bill of this nature existed already. As to the evil of an unlimited power to grant pensions, the strongest proof of the abuse was shown to be in the grant of Mr. Orde's pension; and if the author of the propositions was entitled to such a reward, no man could be refused. The reversionary grant of that pension to the brother of the Lord-lieutenant was an additional proof of the necessity of a reform in such a system.

Mr. GRATTAN. On the general principle, the enemies to this bill cannot stand. A pensioned Parliament is not constitutional, nor has it been held so by Great Britain. In the time of William III. a pension bill passed in *England*; in the present reign another. The gentlemen who oppose a pension bill in Ireland, will explain how it happens that a

precaution necessary for the freedom of one country shall be prejudicial to the welfare of the other. They must prove that the individuals of this kingdom are more honest, or that the kingdom is not entitled to the same privileges; they must prove a natural superiority in the men, or a natural degradation in the country. The truth is, it is contumacious towards Ireland, to refuse to her, constitutional benefits which have been granted to Great Britain. Aware of this, gentlemen have resorted to two special arguments, finding the general principle was against them. They rest their objections to the bill on the recovery of the King, and the economy of the Marquis of Buckingham. With respect to the former, His Majesty's name should not be introduced to influence debate, still less His Majesty's feelings, and, least of all, jealousies imputed as entertained by His Majesty against constitutional bills. Gentlemen presume that His Majesty will resent a bill in Ireland, which he thought proper and just for the people of England; and argue from a misrepresentation of his royal mind, improperly introduced to overawe debate, and grossly misrepresented. The only excuse for such an irregular allusion is, that it is accompanied by a most grateful account of an improvement in His Majesty's health.

The second special objection against this bill is the supposed frugality of the Marquis of Buckingham; and a proof of that economy is his opposition to a pension bill. I do not say that His Excellency is a spendthrift, but I will not allow him to be an economist; his revival of the obsolete office of the second council to the commissioner was not economy; his projected division of the boards of stamps and accounts, providing for more members of Parliament, and sowing the seed of more salaries, is not economy; his reversionary grant to his brother, an absentee, of the best place in this kingdom, is neither disinterestedness nor economy. His granting 3000*l.* a year in pensions the first year of his government is not economy: Surely these measures are not such proofs of his economy as to stand in the place of good laws. If the pensions added by Lord Buckingham, if the pension to Mr. Orde was not the measure of Lord Buckingham, but of his predecessor, imposed on his present Excellency, and against his profession and principles, the result of such a supposition is an argument decisive in favour of this bill; for it proves that you cannot rely on the Lord-lieutenant, but must, if you mean to limit the pension list, resort to an act of Parliament. But the folly of relying on His Excellency on this subject will be more apparent if you consider that he may not be your Lord-lieutenant for a month; and those who reject the permanency of

law, and prefer the principles of the Viceroy (supposing those principles to have existence) trifle with their country, refusing a security which they cannot impeach, and offering a security on whose duration for an hour they cannot depend.

The House divided on Mr. Mason's motion; — for the adjournment 98, against it 130; Majority 32. Tellers for the Ayes, Major Hobart and Mr. Marcus Beresford; for the Noes, Mr. Forbes and Mr. Curran.

The House then went into the committee, and in a subsequent stage of the bill Mr. Forbes moved that the pensions be limited to the sum of 80,000*l.*; which was agreed to, and the bill ultimately passed into a law, whereby the improper influence of the Crown was in some measure restrained.

HIS MAJESTY'S RECOVERY.

March 14. 1789.

ON this day the House of Commons attended His Excellency the Lord-lieutenant in the House of Peers, when he was pleased to make the following speech to both Houses of Parliament.

"My Lords and Gentlemen,

"With the most heartfelt satisfaction I take the earliest opportunity to inform you, in obedience to the King's command, that it has pleased the Divine Providence to remove from him the severe indisposition with which he has been afflicted; and that, by the blessing of Almighty God, he is now again enabled to attend to the urgent concerns of his kingdoms, and personally to exercise his royal authority.

"Gentlemen of the House of Commons,

"I have submitted to His Majesty's consideration the supplies which you have already granted for the immediate exigencies of the public service, and the performance of the national engagements; and I am commanded by His Majesty to express his perfect confidence in your readiness to make such further provision as shall be necessary for the usual support of His Majesty's government.

"My Lords and Gentlemen,

"I have it particularly in charge from His Majesty to assure you, that the prosperity of his faithful and loyal people of Ireland, from whom His Majesty has repeatedly received the strongest proofs of affectionate attachment to his sacred person, will ever be near to his heart; and that His Majesty is fully persuaded that your zeal for the public welfare will enable him to promote, by every wise and salutary measure, the interests of this kingdom.

"I cannot conclude this communication to you, without expressing my fullest conviction that His Majesty's faithful Parliament of Ireland does not yield to any of his subjects in sincere and devout acknowledgments to Almighty God for the restoration of His Majesty's health, and in fervent prayers that a long continuance of that blessing may secure to his people the happiness which they have constantly enjoyed under His Majesty's mild and auspicious government."

Lord Kingsborough moved the address, which was seconded by Mr. La Touche. Mr. Grattan expressed his heartfelt satisfaction on the joyful tidings of the happy recovery of His Majesty. The address was as follows:

"To the King's most excellent Majesty.

"Most gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, beg leave to lay before Your Majesty our assurances of the sincere and cordial satisfaction with which we are penetrated, on being informed from the throne, by Your Majesty's command, that it has pleased the Divine Providence to remove from Your Majesty the severe indisposition with which you have been afflicted, and that, by the blessing of Almighty God, you are now again enabled to attend to the urgent concerns of your kingdoms, and personally to exercise your royal authority.

"We assure Your Majesty that we shall justify the confidence you entertain, that we shall cheerfully proceed in making such provision as may be necessary for the honourable support of Your Majesty's government.

"We should be dead to every generous feeling, should we omit to acknowledge Your Majesty's unceasing solicitude for the interests of Ireland, or to second, by every salutary effort, your benevolent wishes for the welfare of your people.

"The numerous blessings derived to this kingdom from Your Majesty's auspicious reign are deeply imprinted in our bosoms; and sensible as we are of the inestimable value of these benefits, we beg leave to repeat to Your Majesty, upon this joyful occasion, our most sincere professions of respect and attachment to your Royal person, family, and government.

"We conclude these our fervent congratulations with devout acknowledgments to the Almighty for this signal instance of his goodness, in restoring our beloved monarch to the prayers of an afflicted people; and our gratitude for such a mark of the Divine favour is only equalled by the ardency of our wishes for the continuance of Your Majesty's health, and that Your Majesty may enjoy that invaluable blessing during a long and happy reign."

His Majesty's answer to the above address was as follows:

"GEORGE R.

"His Majesty thanks his faithful Commons for their loyal and affectionate address, and for their assurances of the sincere and

cordial satisfaction which they feel on the interposition of Divine Providence, in removing from him the severe indisposition with which he has been afflicted.

"Nothing can be more satisfactory to His Majesty than the disposition expressed by the House of Commons, cheerfully to proceed in making such provisions as are necessary for the honourable support of His Majesty's government.

"He receives with the greatest pleasure the acknowledgments of the House of Commons, of their sense of the solicitude which His Majesty can never cease to entertain for the interests of Ireland, as well as their professions of respect and attachment to his person, family, and government. G. R."

THE ANSWER OF THE PRINCE OF WALES.

March 20. 1789.

THE commissioners appointed to present the address of both Houses of Parliament to the Prince of Wales, having returned from England, Mr. Conolly, this day, informed the House, that the members appointed by the House to present the address of both Houses of Parliament to His Royal Highness the Prince of Wales, had waited upon His Royal Highness with the said address, to which His Royal Highness had given the following answer, which Mr. Conolly read in his place:

"My Lords and Gentlemen,

"The happy event of the King's recovery, and the consequent re-assumption of the exercise of his auspicious government, announced, by his royal commission, for declaring the further causes of holding the Parliament of Great Britain, has done away the melancholy necessity which gave rise to the arrangement proposed by the Parliament of Ireland; but nothing can obliterate, from my memory and my gratitude, the principles upon which that arrangement was made, and the circumstances by which it was attended.

"I consider your generous kindness to His Majesty's royal family, and the provision you made for preserving the authority of the Crown in its constitutional energy, as the most unequivocal proofs which could be given of your affectionate loyalty to the King, at the time when, by an afflicting dispensation of Providence, his government had suffered an intermission, and his House was deprived of its natural protector.

"I shall not pay so ill a compliment to the Lords and Commons of Ireland, as to suppose that they were mistaken in their reliance on the moderation of my views, and the purity of my intentions. A manly confidence, directing the manner of proceeding towards

those who entertain sentiments becoming the high situation to which they are born, furnishes the most powerful motive to the performance of their duty, at the same time that the liberality of sentiment, which, in conveying a trust, confers an honour, can have no tendency to relax that provident vigilance, and that public jealousy, which ought to watch over the exercise of power.

"My Lords and Gentlemen,

"Though full of joy for the event which enables me to take leave of you in this manner, personally, I cannot but regret your departure. I have had the opportunity of acquiring a knowledge of your private characters, and it has added to the high esteem which I had before entertained for you, on account of your public merits; both have made you the worthy representatives of the great bodies to which you belong.

"I am confident that I need not add my earnest recommendation to the Parliament and people of Ireland, to continue to cultivate the harmony of the two kingdoms, which, in their mutual perfect freedom, they will find the closest, as well as happiest bond of their connection."

The Speaker having read the answer from the chair, Lord Henry Fitzgerald moved, that an address of thanks be presented to His Royal Highness for his gracious answer to the address of both Houses.

The Attorney-general thought this proceeding unusual and informal. The question was put and carried, and a committee was appointed to prepare the address.

Mr. GRATTAN then moved the thanks of the House should be voted to the right honourable Thomas Conolly, right honourable John O'Neill, right honourable William B. Ponsonby, and James Stewart, Esq. for the faithful discharge of the commission reposed in them by the House to present the address of both Houses of Parliament to his Royal Highness the Prince of Wales; and the Speaker from the chair returned them the thanks of the House.

The address to His Royal Highness was as follows:

"May it please Your Royal Highness,

"We, His Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, beg leave to offer to Your Royal Highness our warmest thanks for your answer to our address.

"With hearts overflowing with the liveliest joy, we congratulate with Your Royal Highness upon the happy event of the King's recovery, and the consequent re-assumption of the exercise of his auspicious government; an event highly pleasing to the subjects of the whole empire, but peculiarly grateful to a nation so highly indebted to their most excellent Sovereign during the whole course of his reign; and we rejoice in the reflection that the father of his people is blessed with a son, who is likely, in the fulness of

time, to continue to His Majesty's loyal and affectionate subjects of Ireland the blessings of his government.

"Thoroughly conscious that nothing can add more to that esteem which Your Royal Highness has been pleased to express for the two Houses of Parliament, than their loyal and affectionate attachment to the person and government of the King, we will steadily persevere in those principles of duty, loyalty, and affection, which have so happily recommended them to the favourable opinion of Your Royal Highness.

"We feel the highest satisfaction in finding, that what we have done, and our manner of doing it, have received your approbation, and that Your Royal Highness is pleased to consider our conduct as a proof of our undiminished duty to His Majesty, our uniform attachment to the House of Brunswick, and our constant care and attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland, which we consider as indispensably necessary to the prosperity, the happiness, and liberties of both; and we beg leave to assure Your Royal Highness, that from those principles we shall never depart.

"We are happy to find that Your Royal Highness considers our just attention to His Majesty's royal family, and the provision made by us for preserving the authority of the Crown in its constitutional energy, as the most unequivocal proofs which could be given of our affectionate loyalty to the best of Sovereigns, at the melancholy period when, by an afflicting dispensation of Providence, his government had suffered an intermission, and his illustrious House was deprived of its great and natural protector.

"We have the justest reliance on the moderation of the views, and the purity of the intentions, of Your Royal Highness; and we have the fullest conviction in our minds, that any trust which could have the most distant tendency to relax that provident vigilance and public jealousy which ought to watch over the exercise of power, would not have been acceptable to the exalted sentiments of Your Royal Highness, whose understanding and principles are rendered more valuable by the generous and affectionate heart which animates their dictates.

"We can, with the greatest truth, most solemnly assure Your Royal Highness, that it is the ardent wish of the Parliament and people of Ireland to continue to cultivate the harmony and inseparable interests of the two kingdoms, firmly convinced, that in their mutual perfect freedom, they will find the closest as well as the happiest bond of their connection; and we offer our warmest acknowledgments to Your Royal Highness for your recommendation to us to persevere in such a conduct, and consider Your Royal Highness's recommendation, so worthy the high station in which you are placed, as an additional proof of your attention to the welfare of both countries.

"We assure Your Royal Highness, that if any thing could add to the exultation of our minds at the happy event of the recovery of our most beloved Sovereign, it would be the pleasure which we feel in reflecting, that the heir to His Majesty's crowns inherits

the virtues of His royal father, — virtues which every part of Your Royal Highness's conduct, during the late melancholy and trying occasion, has placed in the most illustrious point of view; and the repeated marks of graciousness and condescension with which Your Royal Highness has been pleased to honour the two Houses of Parliament, must ever remain impressed, in the most indelible characters of affection and gratitude, on the hearts of the people of Ireland."

REVENUE OFFICERS' BILL.

MR. GRATTAN MOVES FOR A BILL TO DISQUALIFY REVENUE OFFICERS FROM SITTING IN PARLIAMENT.

April 21. 1789.

ON the 4th of March, Mr. Grattan had obtained leave to bring in a bill for the better securing the freedom of election for members to serve in Parliament, by disabling certain officers employed in the collection or management of His Majesty's revenue from giving their votes at such elections; and on this day a petition was presented from several revenue officers against the bill, complaining that it went to deprive them of their right to the elective franchise, and in consequence to degrade them in the eyes of their fellow-citizens. The bill was read a second time; and, on the motion that it be committed, it was opposed by Mr. Johnson, Mr. Brown, Mr. Coppinger, Mr. Beresford, the Solicitor-general, Mr. Annesley, Mr. Gardiner, and the Chancellor of the Exchequer. It was supported by Mr. Hardy, Mr. Brownlow, Mr. Dunn, Mr. Michael Smith, Mr. Stewart (of Killymoon), Mr. Charles O'Neill, Mr. Egan, and Mr. Curran.

Mr. GRATTAN spoke as follows: Mr. Speaker, I hope that if any thing falls from the right honourable gentleman, the first commissioner, that deserves attention, I may be indulged with a reply. That right honourable gentleman, much connected with, much interested on this subject, promises to speak to it at large: when he does, and speaks to it argumentatively, I hope I, like him, may be heard a second time.

I beg to remind this House, that the bill now under your consideration did, nearly in the same words, pass this House with the entire consent of most of those gentlemen who are now taught to exclaim against it, as an attack on the rights of the people. They themselves then made that attack: they were guilty of the crime they charge, and they and this House, and the ministers of the crown, were involved in this enor-

mity. Such a bill did pass the Commons; such a bill did receive the concurrence of its present vehement opponents; such a bill was transmitted under the great seal of Ireland; and such a bill came back under the great seal of England.

It was lost in the Lords I acknowledge; but I do by no means acknowledge that we are to attribute the loss of the bill in the Lords to the absurd and preposterous surprise of a right honourable gentleman, who tells us that the Lords on that occasion were champions of the constitution. The Lords threw the bill out, because the then ministry were turned out; the bill and the ministry both shared the same fate, and the people lost a good ministry and a good bill.

Sir, this bill has been now combated on various grounds; and, first, partiality. It is said that the bill is partial, because it does not extend to all revenue officers; and partial, because it does extend to all the officers of the crown, and to all professions, to the law, and to the army. To the first part of this objection, the bill itself is the answer. It does extend to all revenue officers, and a blank is left for such exceptions as may be agreed on; and if the bill did not, which it does, extend to all revenue officers, the imperfection of its formation is no argument against its committal. To the other part of the objection, the answer is to be found in the difference of the subject matters compared; the law, the army, and the revenue.

The first is a profession; an independent profession; the bar is not fed by the minister. The gentlemen of the bar do not resemble excisemen, tide-waiters, hearth-money collectors, tide-surveyors, in number, in sentiment, or in condition. Those of the bar, who are servants of the crown, are, compared with such a tribe, not numerous; and compared with the bulk of electors, nothing. The mischief, therefore, is not the same in its extent, nor in the rankness of its nature.

The army, that part of it which is composed of officers, does not contain numbers to affect the elections of the people; that part of it which is composed of rank and file men, do not contain electors; common soldiers are not freeholders, nor likely to become such; but if a colonel of a regiment should do what a commissioner is said to have done; if he should make his troop or his battalion such occasional voters, in a county or borough, I do then believe Parliament would interfere; because then a very probable and unforeseen mischief would have taken place.

But though the laws of England have not disqualified the military from giving votes at elections, they have removed them from the place of election, guarding the rights of the people against the evil incidental to the army, — force; as

they have guarded those rights against the evil incidental to the revenue officers, — corruption.

The laws of England have considered the different nature of the different members of the community, and have affixed certain suspicions and jealousies to certain descriptions of men. They have marked the officers of the revenue as a body, from their independency, from their rank, from their habit, from their occupation, and from their numbers, the most liable to undue influence, and the most extensive instrument thereof. They have considered the hardship it would be to a people, not only to pay to the crown a great revenue, but to find, in that very grant, an influence arise, prejudicial to their own freedom.

The right of election is the people's share of sovereign power; the occasional, the corrupt voter, is a usurper on that share. In Athens, the stranger who intruded himself into their councils, was punished with death; he was guilty of high treason against the majesty of the people.

In Rome, when they reserved their democratic rights, they preserved their freedom; when they imparted them to Italy, they gave away their independency.

These rights, whether simple, as in Athens, or mixed, as in Ireland, are sacred; and when you hesitate to disqualify men, whose dependency makes them incapable of a faithful exercise of those rights, and whose numbers make them dangerous in the abuse of their privileges, you reject those precautions which are necessary for constitutional preservation; you feel the outcry of franchise against the independence of election, and the mask and affectation of freedom against the substance.

The objection of this bill, as far as it relates to partiality, I think I have answered; but gentlemen say, we have not any fact whereon to ground a surmise against the independency of the officers of the revenue. Sir, the nature of their situation is a sufficient argument for that surmise. Their dependency on the minister, or on the commissioners, who are dependant on the minister, is a fact; their corruptibility, from their rank, their habit, and other circumstances, a high degree of probability. Here is a situation, which is in itself a disqualification; and instead of demanding proofs of undue influence exerted, you should be satisfied with the view of the situation itself, where undue influence, if exerted, could not be resisted. When gentlemen call for proofs, they know well that the nature of the mischief renders proofs difficult. Who can trace the ways of undue influence? Who can follow the clandestine hint which a minister may give, or a commissioner may convey?

The nature of undue influence is to elude the eye. Who can prove that a member of Parliament was ever influenced,

and yet who can doubt it? And therefore this objection, which calls out for proof, is founded on the difficulty of the discovery, not the consciousness of innocence; but facts are not wanting, if report says true.

Some time in the month of January, on the eve of an apprehended election, a batch of custom-house officers, and of persons employed in the new custom-house, architects, glaziers, slaters, plumbers, stationers, ironmongers, went down, like a horde of Tartars, to the county of Waterford, to register; having purchased forty-shilling freeholds in the borough of Dungarvan, which gave them votes for the election of the county of Waterford, of which the *first* commissioner is the representative, and for the borough of Dungarvan, of which the *son* of that commissioner is representative. If this report be true, here is a direct attack made for the family of the commissioner, by the revenue-officers under his dominion, and by the tradesmen employed in the new custom-house under his direction; an attack made on the rights of election. Here is that influence of which we speak, attempting to make a borough private property, and to convert a county into a borough; here is that very fact which gentlemen called for; here is revenue influence; here is an exertion of that influence; here are occasional voters, non-resident voters, custom-house voters, attempting to make a county and a borough the private property of the family of the first commissioner of the revenue. Sir, it is a strong argument, in the committal of this bill, that in the committee you may enquire into the ground of this report; there you may learn that you have fact as well as argument for this bill.

Sir, gentlemen, aware that all the arguments founded in principle or expediency were against them, have affected to reduce this bill to a question of power, and have boldly told you, that Parliament has no power to disqualify revenue officers from voting at elections; grave and learned law authority has advanced such a dictum; and, give me leave to inform learned and grave law authority, that such a dictum is a gross libel on all the proceedings of the British nation, on the bills disqualifying placemen of a certain description from sitting in Parliament, pensioners of a certain description from sitting in Parliament, and revenue officers from voting for members to serve in Parliament; unfortunately for the argument of the learned member, these bills are not only the laws of England, but happen to be enacted in times in which the constitutional spirit of England exerted itself with peculiar energy; and these happen not only to be the laws of England, enacted in her most virtuous moments, but founded on the

principles of other acts, that arise out of the spirit of her constitution; for instance, the 5th of William III. makes the interference of any collector, &c. in the excise, to influence a voter, fine and disqualification in the revenue officer; the 12th William makes such interference in commissioners, collectors, &c. concerned in the custom, fine and disqualification; the 10th Anne makes such interference of commissioners, collectors, &c. concerned in the salt duties, fine and disqualification. The bill of the present reign goes further, and guards the subject against the intrusion of the revenue officer, as the former had guarded him against his influence; so that the officers of the revenue shall not influence elections, either as the creditors of the electors, or as the agents of the Crown; and this is a precaution which the learned gentleman supposes to go beyond the power of Parliament. He too calls for proofs; proofs of what? Had England, when she disqualified placemen of a certain description from seats in Parliament, proofs of their corruption? Had England, when she disqualified pensioners from sitting in Parliament, proofs of their corruption? Had England, when she disqualified revenue officers from voting for members to serve in Parliament, proofs of their corruption? No; she did not proceed on the penal idea of punishing individuals, but on the cautionary principle of saving the people. She did not, like the learned gentleman, confound a natural with a political right, nor suppose every man, except a criminal, had a right to share the democratic powers of the constitution; she considered that a situation, rendering the individual incapable of the unbiassed use of those powers, a disqualification, even though the individual was not a criminal — franchise being not a private property to be sold, but a public duty to be discharged. Gentlemen say, England is no example; that the beneficial laws of England are no model for Ireland: what right have they to hold out such language to the people? what physical, political, or moral blemishes do the people of Ireland inherit? or is it on their authority that the ministers of the Crown presume to badge the people of this country with their opprobrious distinctions? Is it because the people of Ireland have not the same wholesome food, that they should not have the same beneficial laws? Your people are not worse than the English, that they should have less privileges; are your ministers better, that they should have more powers? Are the ministers of Ireland more fond of the people of this country, than the ministers of the sister country are of Great Britain? Are they not often aliens in affection as well as birth? Disposed to dispute your rights, censure your proceedings, and to boast that you cannot punish them, and that therefore they do not

fear you? Are they not proud to humble you, and ambitious to corrupt you? Your commissioners, are they better than those in England, that they should be trusted with more powers? Are they more independent than the English commissioners in sentiment or situation? Are they less rapacious, less ambitious, less craving, less servile, or less ministerial?

Give me some decent and plausible reason for refusing to Ireland those beneficial acts which are the essential preservatives of the British constitution, and the fundamental laws of that country. I fear you have only adopted the constitution of England, but you have not adopted her precaution. The pension bill, the place bill, the disqualification revenue bill, acts tending to secure longevity to freedom; these you despise; and the same men who originally opposed the introduction of British freedom into this country, now oppose every measure necessary for its preservation. Gentlemen have endeavoured to justify this distinction, by insisting on the paucity of freeholders; and they state, that when your voters are few, they should not disqualify so great a proportion of them as the revenue officers compose. Just the contrary; you should disqualify them; you should, when your members are few, take care they should be pure; the great portion of poison poured into so small a body of voters, must have greater and more fatal effect. The fact is, influenced voters do not add to, but diminish the number of your electors. Sir, they are a counterpoise; eighty occasional revenue officers in the county of Waterford, are eighty good votes not added, but counteracted, and make the constituent body so much the less.

Directly opposite to this is another argument, which insists on the paucity of revenue voters, compared to the electors in general, as an argument against the bill.

Sir, the revenue officers in this kingdom are from two thousand five hundred to three thousand, and your counties are not more than thirty-two; the proportion which they bear to freeholders in Ireland, where this bill must not take place, is considerable; in England, where this bill does take place, nothing. Diversity of situation is, therefore, an argument not against this bill, but for it. You require more precaution than England does; you have a weaker body to defend, you have a more tender constitution to preserve; the method you have hitherto taken to preserve that weakly constitution, has been to adopt the penal, the criminal, the unconstitutional code of England, especially in your revenue bill, with a guilty accuracy, and to overlook the beneficial and constitutional code with a blind abhorrence; your nice

distinction has been to make England an example for the purpose of coercion, and none for the purpose of privilege.

Wait, says a right honourable gentleman; do not adopt cautionary laws until the evil has happened. England did not disqualify her revenue officers until she had declared the influence of the Crown had become terrible; and the member advises you to postpone the security until the arrival of the danger.

Sir, there are many more reasons for this bill than those which I have stated, reasons founded on revenue as well as constitutional considerations; but there is one argument for it, that must strike every one here present, that is, the difficulty of *obtaining it.*

The number of advocates, of patrons for the revenue-officers, the interest which government, and which the commissioners seem to have in their franchise, is a proof (if proof is required) of the existence and extent of the evil which this bill would guard against; a proof that other men, besides the officers in question, have a property in this franchise.

When a certain quarter turns advocate for the *rights* of the people, it is a symptom that *such rights are bartered with;* when they cry out *franchise,* it is a symptom that the franchise is *abused.* This bill will now be lost, but this bill will be the *law* of Ireland.

The House divided;—for the committal 93, against it 148. Tellers for the Ayes, Mr. George Ponsonby, Mr. Curran; for the Noes, right honourable Mr. Gardiner, Mr. Copinger.

Mr. Mason moved that the bill be rejected, which was carried without a division.

POLICE.

April 25. 1789.

SIR HENRY CAVENDISH, chairman of the committee on police accounts, delivered in their report. It set forth, that great extravagance and unnecessary expence was incurred in the establishment; that large sums of money had been laid out on the heads of that department; that they had made improvident contracts; and that their accounts were ill arranged and incorrect; and they accordingly resolved,

1st. That the police establishment has been attended with unnecessary patronage, waste, and dissipation.

2d. That the peace and protection of the city of Dublin might be more effectually maintained at a lesser expence; and that the present system of police establishments ought to be changed.

On the question to agree with the the first resolution, the At-

torney-general objected. He said, the report was founded on *ex parte* evidence; that it was garbled and selected. He was followed by the Solicitor-general. Mr. Beresford, Mr. Molyneux, Mr. Toler, Alderman Warren, and Mr. Bushe, denied the charges of extravagance; and maintained that the establishment was not unconstitutional, nor did it augment the patronage of the Crown. The resolution was supported by Mr. G. Ponsonby, Mr. Brownlow, Mr. Egan, Mr. Kearney, Sir Henry Cavendish, Mr. Hartley, Mr. Commissioner Hanly, and Sir Francis Hutchinson. They asserted, that the police system was an invasion of the freedom and independence of the citizens; that it tended to convert the city of Dublin into a borough, and to give government an undue influence at elections, and served the purposes only of patronage and extravagance.

Mr Grattan said: In adverting to what has fallen from the right honourable gentleman, the Attorney-general, I beg to defend the conduct of the committee. After a laborious investigation, to charge the committee with garbling and selecting evidence was highly improper. It was ridiculous to appoint a committee to investigate accounts, and then to refuse to agree to the conclusions of that committee. If gentlemen really wished to be satisfied on the subject, and desired time for the consideration of the report, it might be postponed for two or three days, or if they desired to have the evidence on which the report is grounded, it may be brought before the House; but it was by no means consistent to give a flat refusal without any consideration at all. If the report charges 4000*l.* for the house of the honourable gentleman (Alderman Warren,) the report certainly exceeds the fact; but the report charges no such thing; the report does charge, and is warranted in charging 4000*l.* to the account of the houses of chief commissioner, divisional justices, chief constables, and their furniture. Sir, the gentlemen who oppose this resolution, affect to resist it, because they have not had time to consider the evidence; and when time is offered, they resist the time offered as well as the resolution proposed; and the reason is obvious, because they espouse the patronage of this corrupt and extravagant police. Had the committee reported no evidence at all, but had come to a declaration, such as is now before you, "That the Police has been attended with unnecessary patronage, waste and dissipation," we had resolved no more than what every one of you know, and the committee had done no more than echo back your own conviction; or were gentlemen sincere when they demand evidence; they must recollect, that the evidence of the last session, in the police papers then laid before this House, is fully sufficient to ground the charge of unnecessary patronage, waste, and dis-

sipation. When gentlemen, therefore, call out for evidence, they call out for excuses; they call out for apology; they call out for subterfuge; they know the police is attended with unnecessary and criminal patronage; they know, do I say? it is their object; they framed the bill for the criminal and corrupt patronage; they framed the bill for its mischief, for its corrupt influence, for the enslavement of the city.

Sir, your committee, in its prefatory detail, has stated some quantities which contain great and criminal principles which you cannot avoid to acknowledge. Their first position is, that the police, in the course of two years and a half, has cost this city 51,000*l.* This great quantity ascertains the principle of extravagance; there is no man who hears the quantity that does not acknowledge the prodigality. When you recollect the former expence for guarding the city, when you consider the extent of the city, you cannot hesitate at once to pronounce that 51,000*l.* in a year and a half for guarding this capital is extravagance. The next great quantity which your committee finds, is the annual expence of the police; that has been 20,000*l.* a year, of which sum 9,500*l.* have gone to the watch, the remainder to the expence of the establishment; that is, 9,500*l.* to protection; 10,500*l.* to patronage, to corruption! This part of the report convicts the police system of another principle, a dangerous and unconstitutional patronage, as the first quantity convicted the institution of extravagance. Of this 10,500*l.* expended on the establishment, distinct from the guard, 3,500*l.* given in salaries, salaries to the commissioners, divisional magistrates, secretaries, clerks, and other officers; of those officers there are in the whole thirty-six. Here is the influence; here is the real motive, and great support of the measure. This is what secures it the countenance of the Castle: Of the sum first stated, of 51,000*l.*, your committee find some particulars which are material to mark the principle and prodigality of the institution. They find that 4000*l.* has been expended on the houses of the commissioner, divisional magistrates, constables, and in furniture; they specify some articles of furniture, 138*l.* for looking-glasses, 99*l.* for Wilton-carpets, and other particulars similar and expensive; articles of luxury, improper and ridiculous in a police-house; articles not for the reception, but exclusion of those who should repair to such a house; articles similar to those which are to be found in those magnificent and proud houses, whose doors instinctively shut on the poor and the supplicant. How had the court exclaimed against such items of expence in a Dublin alderman, if they had not some criminal political connection with the magistracy.

Gentlemen have called these articles trifling. Sir, the

principles are not trifling; they are pregnant and pernicious, and the countenance which such expences receive are a proof that the Castle is a bad censor to correct the morals of the city. What has a guard-house to do with such furniture? fit only for the reception of the court, and fatal to the reception of the lower order, whom it is their duty to regulate, to admit, and to protect.

Your committee proceeded, and found that in the article of stationary the sum of 3300*l.* had been expended; your committee found that, of the above article, part had been expended on books, improper and unnecessary! Some of the books charged in their account are the Statutes at Large, and the Abridgment; which, though proper for magistrates, yet might have been (as we should suppose) long before the property of the aldermen, particularly such as were selected by the court from the rest, for their extraordinary knowledge and experience. To these statutes are added, Chambers and Johnson's Dictionary. Suppose a *mittimus* written in the style of Johnson. To these we are to add books in the class of political metaphysics. Bacariã on Penal Law, with notes by Voltaire, is now charged to the public for the aldermen of the city of Dublin! To these we are to add another book less inapplicable to their new profession, and yet such as throws on that new profession a cast of ridicule,—Simes on the Art of War! This is dispersed among the constables! To these idle charges in books, we are to add most impudent charges for paper. In the course of two years, they charge for paper 400*l.* of which there is in the first year and a half 150*l.* for gilt paper, which quantity would amount to more than half a quire a day for the seven aldermen, in addition to that vast quantity of plain paper they are supposed to consume (if we credit the other charge); so that they could have had no time to do any thing but write. This charge of 150*l.* for gilt paper for a year and a half appears the more extraordinary, because in the ensuing year not more than 8*l.* is expended on that article; which subsequent charge is an acknowledgment of past extravagance; a proclamation that the former expence was unnecessary; a confession of past guilt; a declaration from the police itself by act, which is stronger than expression, that the resolution of the committee declaring the dissipation and waste of the police, is well-founded. Under the head of stationary, there is a charge for hue and cry of about 8*l.* *per* week, of which one guinea is given to a clerk for compiling the Hue and Cry, though the police have secretaries and clerks fourteen! In this contract of 8*l.* a week, the committee found there is another of about 7*s.* a week in publishing bills of robbery, and the remainder, which is above 6*l.*, goes

to the publisher. The committee examined two eminent printers, and found that they would have contracted to publish that Hue and Cry for 2*l.* 17*s.* a-week less than the police contracted for to one of the corporation, and so much has been lost to the public, by an improper and criminal contract. The committee found a charge in the first year and a half of 49*l.* for sealing-wax; they found the charge for this sealing-wax was 10*s.* a pound; they examined Mr. Rathborne, and found that he not only does sell the very best sealing-wax for 5*s.* a pound; but that he had actually sold it for 5*s.* a pound to that very man that sold it for 10*s.* to the police. Your committee found that, among other heavy articles, a vast quantity of coals had been consumed, of which one hundred and eighty tons had not been accounted for, but had been sunk.

Your committee have also examined into the law accounts of the police, and find that they have expended in litigation 900*l.*, and that in the majority of the suits they have been defeated; and yet we have heard much of the blessings of peace introduced by this institution!

Your committee then proceeded to examine the clothing account, and found that, between the contract and the money stopped, there is a surplus of 195*l.*, which surplus is sunk. Your committee then observes on the number of secretaries and clerks, and the absence of one of them on full pay; and after a recital of various instances of patronage, dissipation, and waste, your committee submits a resolution to that purpose, which resolution the government resist by a flat negative; the government assert publicly, and resolve that 51,000*l.* expended in two years and a half on the Dublin watch; that 10,500*l.* a-year on salaries and other parts of the establishment, while only 9500*l.* is expended on the watch; that 4000*l.* on the houses, furniture, &c. of the commissioners and divisional justices; that 900*l.* expended on litigation; 3300*l.* on stationary, whereof a philosophical, grammatical, political, and military library make a part; that 150*l.* for gilt paper in a year and a half; 49*l.* for sealing-wax for the same period; that 2*l.* 17*s.* per week, sunk in an improvident contract for the "Hue and Cry;" that 180 ton embezzled in the article of coals; 195*l.* sunk in the article of clothing; 460*l.* lost in expence of horse-police, admitted to be useless; — these, I say, by their conduct to-night, the Castle assert are charges, whether taken separately, or altogether, which a House of Commons, with the present minister at its head, may truly affirm to be no proof of unnecessary patronage, dissipation or waste. This is not to acquit the police, but to prove the Castle to be as unprincipled as the police.

The motives for continuing the police are, from such a

conduct, very apparent indeed. The history of the police is its strongest condemnation. In order to subdue the fever excited by the question of protecting duties, certain secret engagements on the part of the ministers were entered into, as report says, with some persons belonging to the corporation, in order to pay those debts, and with a further view to muzzle the corporation for ever, this infernal instrument of patronage and corruption was conceived, — the present police bill; a young court! the licentiousness of a young court was to reform this ancient city! The ministers looked for a plan, and they found it in the dirt, where the spirit and good sense of the city of London had cast it. Such a bill as our minister framed had been introduced into the British Parliament, and introduced only to be damned for ever. This model, so reprobated there, was adopted here, and the abomination of London was made the police of Dublin. Your ministers introduced this bill, with a clause, which enabled the Castle to make a magistrate for the city of Dublin without the assent of the corporation, and in direct violation of its charter. This attempt being too desperate to be carried by those ministers, though not too wicked to be wished for by them, the bill stood without the clause, but with other clauses, mischievous enough in all conscience. To silence the city for ever, was the great object, and the pretence for this was, the peace of the city. Under that pretence the court proceeded to penetrate, with the virtue of undue influence, the heart and soul of her ancient corporation, and to make it the organ of the minister's will, to breathe, as he touched it, either soft or loud, and to be, as he chose, either sound or silent. Lazy magistrates were conceived likely to become active aldermen, when they became corrupt courtiers. The magistracy of Dublin were supposed to increase their authority, by losing their reputation. Since the period of of this bill the corporation has been suspended from the Castle in a golden chain like the heathen divinities of old, and in such a position a court, a young court, has held up to public view this spectacle of a city. What though the pretended object of the bill appeared the last session to have failed; what though the citizens were proved to have been plundered by the police; what though their children appeared to have been illegally and cruelly imprisoned by the magistracy; no matter, the great object is answered; the corporation is muzzled; the city is at the feet of the Castle! The event of this bill being as wicked as the principle and object of it, a remedy, or what was called a remedy, was propounded in an idle bill, fabricated at the Castle the last session of Parliament. This foolish act affects to make certain foolish and empty provisions. One provides that the police accounts

should be submitted to the commissioners of imprest. They were so; and the commissioners of imprest express at once their disapprobation at the charge, and their inadequacy to administer the remedy; and, amidst a variety of exceptionable articles, they disallow three only,—Chambers' Dictionary, a seat in the church, and the house-rent of the first commissioner.

Another provision in this remedial act was, an addition of one hundred day-constables, at ninepence per day. On experiment, this addition has proved useless; the persons examined by your committee accounted for its inutility; the day-man gives up the whole of his time, and cannot follow any other business. The bill, giving him one-fourth less than the night-watch, is a blunder on the subject of economy: a man gets one-fourth less for the whole of his labour. They enlisted ninety-five of these day-men; they have now reduced them, I think, to sixty, and acknowledge their inutility. Another provision in this act was a muster; the act was very curious and circumspect in securing that muster. A muster-master was to be appointed, the Lord Mayor was to be assistant, and a return was to be made to the clerk of the council on oath.

We called for documents of their proceedings. Not one syllable; there was no return on oath; the Lord Mayor had not been assistant; no muster-master had been appointed; no muster had been made; and the Castle had totally neglected to resort to its own clauses. Another attempt to remedy this police has been made this session,—the committee, whose report is now before you. No, say gentlemen, do not attend to the report of the committee, because you have not seen the evidence. A proposal is made to postpone the consideration of the report until they shall have considered the evidence. No, say gentlemen, let us determine now, without perusing the evidence against the resolutions of the committee who have considered it; leave all this, says another gentleman, to the servants of the crown, they will reform the expence. *They reform!* they reform a city which it has been their object to corrupt! But then, say gentlemen, the police has been useful, it has put to flight the tarrer and featherer. The tarrers and featherers of 1784 were, it seems, put to flight by the police that did not exist until September of 1786! This chronological blunder is, however, to a good courtier, conclusive argument. The sedition alluded to was, perhaps, the fever of the time, perhaps the effect of a want of work, a want of bread. In free countries, such things will happen without any visible cause; but though we cannot assign a cause for the tumult, we can say what was not the cause of the ceasing of that tumult — not a police that *had then no*

existence. From this blunder, in a particular instance, gentlemen proceed to a general assertion, in which their errors may be less discoverable; and they affirm, that the number of crimes in the capital has diminished. Have they carefully enquired into this? Have they enquired with great anxiety into the peace of the city? Have they asked what citizens have been abused? what houses have been robbed? These subjects are not usually the care of the court. But if they have enquired, the result of that enquiry has not been fortunate. We too have enquired. I shall now read you the identical return, signed Taylor and Allen, which sets forth, that search having been made in the Tholsel office, amongst the pleas of the Crown, for the county of the city of Dublin, we find, that from the 1st day of January, 1784, to the 31st day of December, 1785, the number of examinations returned to session courts, amounted to 2470; and that from the 1st day of January, 1787, to the 31st day of December, 1788, the number of examinations returned to said court amounted to 7452. So that I fear the triumph which gentlemen assume to their bill, is rather the flippancy of assertion than the merit of the case. But I might allow the assertion and deny the inference. I might allow the fact of present tranquillity in the capital, and yet deny that it is attributable to that part of the police which they defend, to the influence of the Castle in the city of Dublin. They on the other side assume two things, and, as usual, prove neither; first, that we are more quiet than usual; secondly, that the quiet proceeds from their influence. No; it arises from an armed watch, not from a venal magistracy, from a guard on which you distribute 9500*l.*, not from patronage, on which you waste 10,500*l.*; because the city has a watch, not because the court has influence; they think the quiet of the city proceeds from the clerks, the secretaries, the houses, and furniture, with which the court magistracy are indulged in indolence and dissipation. When they talk of the peace of the city, they mean the only thing they care about — the peace of the minister in the city. When they speak with approbation of the bill, they mean that part of it which corrupts, not that part of it which protects. They are not anxious about what the citizens suffer, but what the free citizens do; and when they frame or vindicate laws, it is for their corrupt and unconstitutional consequences. Do you imagine, that had the peace of the city been the only object of the court, such accounts as are *now* submitted would not meet with reprehension? *But magistrates* are protected in extravagance by their *servility* — the latter is an excuse for the former.

Gentlemen have called for a plan for a regulation of the

city. Sir, we know perfectly, that any plan which does not, like theirs, corrupt the city, would be displeasing to them; but if they mean what they do not, the protection of the city, I have in my hand a bill capable of being digested into a plan of protection; some heads of it I will state to you. It proposes to retain and increase the watch, to pay them not less than they are paid at present; to arm them for defence and offence; but instead of a firelock, to give a sword and a watch-pole, with a bayonet at the end of it. They should cry the hours, have a lanthern, a rattle, and in the centry-box a bell; they should be distributed among the different parishes, some of which should be united; they should be under the command of one chief, or head constable, and he should not be chosen by the Castle, but be under the control of my Lord Mayor. I would have an alderman to preside in each parish, or union with a certain number of parishioners, chosen by those who pay scot and lot, which persons, with him their president, should form a court, that should direct and regulate the watch. I would have in each ward a competent number of constables; I would extend protection to the limits of the Circular-road; I would have a rotation-office with a salary; and I would retain some part of the present taxes, remitting, however, a considerable portion of them. The citizens, probably, would have no objection to pay taxes for their protection; but hitherto they have paid taxes for corruption, insult, and contumely, and have been trodden on by the very court who had taxed them. The principle of my plan is, to follow the plan of the constitution, which put the military under the civil power.

The difficulty does not lie in forming a plan, but in resisting the corrupt and ambitious principle that vindicates the plan which has been formed already; to demolish such a plan shall be my endeavour. I will labour to restore freedom to the capital, and independency to the corporation. The liberty of England began its first dawnings in corporate bodies; nay, the corporation of London preserved the freedom of England, when the arbitrary court of Charles I. questioned the rights of Parliament, and made an attack on the persons of some of its members. These members retired into the heart of London, and, from the violence of an unconstitutional government, they found protection in a constitutional city. The capital of the nation is the capital of the constitution, the place of its strength; that high ground to which the remote country is to look for the signal of public danger. This ground has been taken, recover it. The right honourable gentleman has produced; and has established his plan. I offer you mine. He tells you, his, is a plan of peace; you

know it is a plan of corruption. I believe mine will be a plan of peace, and I am sure it is not a plan of corruption; the difference between us is this,—I offer freedom and peace, and he treads on freedom under the pretence of peace.

On the question to agree with the committee in the first resolution, the House divided; — Ayes 78, Noes 132; Majority against the resolution 64. Tellers for the Ayes, Mr. Hartley and Sir Henry Cavendish; for the Noes, Lord Delvin, Mr. Serjeant Toler.

The Attorney-general (Fitzgibbon) then moved that the report be rejected, which was carried without a division.

BARREN LAND BILL.

MR. GRATTAN MOVES THE BILL FOR THE IMPROVEMENT OF BARREN LAND.

May 1. 1789.

MR. GRATTAN had, in the month of April, moved for and brought in a bill for the improvement of barren land. The object of the bill was to encourage agriculture, by exempting from tithe all unproductive and barren land for a certain period of years after it had been reclaimed.

On this day (the 1st) it was moved that the bill be read a second time. This motion was opposed by Mr. Arthur Brown, Mr. Mason, and Mr. Molyneux, who moved, that the second reading be postponed to the 1st of June.

Mr. GRATTAN. Sir, the first charge against this bill is delay; but that charge is easily answered, by adverting to the period of the session on which it was introduced, in the month of April; a period after which the greatest questions that ever agitated or advanced this kingdom were brought forward, — questions of greater moment even than the fears of the clergy about their private interest. Why this bill was not brought forward sooner is obvious; in the beginning of the session you had no executive power. Afterwards the money bills came on and engrossed our whole attention, and then the administration moved to adjourn for three weeks. That was the cause of the delay; but when gentlemen talk of the delay, they only set up a pretence; they have time enough to go into the bill now. The administration is not obliged to make a recess, they need not decline to do the business of the country; but the truth is, they have already carried through this House the business of government, and they care but little about the business of the nation. When gentlemen talk of the impos-

sibility of keeping members together at this period of the year, they set up another pretence; they have the art of keeping members; they have certain coercive powers, of which we are not possessed; and they are, besides, perfectly indifferent about keeping members together, provided they have enough to make a House for their own purposes; but the truth is, that the court have agreed to damn this bill, and finding the principle of the bill too strong for them, they resist it by various pretences.

The next charge against this bill is surprise; an argument just as ill-founded as that of delay; the clergy have been for these thirteen months perfectly apprized of an intention to pass such a bill; thirteen months ago it was brought into this House. It passed here unanimously; and those gentlemen on the side of government, who are now loquacious against it, gave it then an implicit support; it afterwards went to the Lords, where it was debated and amended, and was then, with the amendments, sent back to the Commons, and rejected on account of the impropriety of some of those amendments; but its rejection was perfectly well understood to be with a view of bringing in the bill free from the improper amendments this session of Parliament: the bill was then a subject of clerical controversy, and of paper war; and this is the bill which some of the clergy affirm they do not perfectly conceive, and ask time to understand; and this request is accompanied by a declaration from the enemies of this bill, that the clergy oppose the principle of it, and therefore the argument about delay and surprise falls to the ground; they do not want time, it seems, to enquire into the formation; they do not want to guard themselves by certain clauses against its abuse, — they want at once to damn the bill, and some of their advocates have been so imprudent as to declare, that the church should not run the chance of any loss whatsoever in order to improve the country and employ the people. Sir, I must deny the position and the fact on which the supposition is said to be founded. I think the ministers of the Gospel ought to run the hazard of some loss for the benefit of their fellow creatures, in the cultivation of the earth and the industry of mankind; but here I must deny that they will suffer any loss. The country people will not, as is surmised, immediately withdraw their tillage from the arable ground and cultivate mountain only. The members that suppose this may be excellent legislators, but are bad farmers, and so the learned churchmen who fear that event may be incomparable divines, but are execrable farmers; and, in order to expose the futility of their idle fears, it is sufficient to resort to

experience. Such a bill has been the law of England since the reign of Edward the VI. Were the English clergy starved? Did they perish? Where is the historic evidence of a general calamity befalling the churchmen at that period? It is true, they have agistment in England, but with agistment the English clergy must have lost, though not the whole, yet the greater part of their income, if of such a bill as is before you, such a transfer of tillage was the natural consequence. Such a law has been tried in France, as well as England. In 1766 an arrêt was registered, exempting all barren land from tithe. Were the French clergy starved? Did they famish? Did they remonstrate? There is, indeed, a difference between the Irish law, which is to starve the Irish clergy, and the French law, which has been quietly submitted to. The Irish is an exemption for seven years, the French for fifteen. Laws similar to this have been tried in Ireland as well as France and England. An act of George the II. exempts all barren land from the tithe of flax, hemp, and rape, for seven years. Have the country people gone up into the mountains, and transferred the cultivation of those articles from titheable ground? No. In the south the clergy get a very considerable tithe from flax, 8*s*. sometimes 12*s*. the acre; and so little did this law rescue hemp from tithe, that the last session it was found necessary to pass a bill for ascertaining the tithe of hemp, in order to give encouragement to its cultivation; and the clergy were alarmed at such an encouragement, as likely to deprive them of a profitable tithe; though, according to their present reasoning, the culture of hemp must have been transferred to the mountains, and the tithe of it entirely lost. But there is another law now existing, still more in point, an act of the present reign, exempting from tithe for seven years all bogs that shall be reclaimed; how comes it that all the parsons in boggy countries did not starve? That the country people did not transfer their cultivation entirely to bogs, and leave the arable land untilled? Are we to understand that there are no bogs in Ireland, or that the peasant will be inclined to cultivate the mountain exclusively, but can have no temptation whatever to cultivate the bog? These instances are enough to expose the futility of the fears of the parson on the present subject; and they are pernicious and fatal friends to the clergy of Ireland, who rest their opposition to this bill on an aversion to its principle, for they contradistinguish the Irish clergy to the English and to French clergy, and place them below both; they represent them, without foundation I am sure, but they represent them as too avaricious on points of private interest, and reluctant to serve either their flock or

their successor, if there exists but the speculation of an iota of private loss.

My honourable friend, therefore, who presented the petition, placed it on more reputable ground than others who have spoken more out on the subject. The truth is, the parson gives nothing except an encouragement, costing him nothing, to till what now produces nothing, but what may, by virtue of that encouragement, be profitable hereafter to the poor, and to himself or his successor. Sir, I foresee the fall of this bill from the ministerial powers arranged against it: A right honourable gentleman *, high in the confidence of administration, supports the motion to reject this bill, though he himself voted for it the last session of Parliament. He not only voted for it, but when I brought it in, he returned me thanks for introducing a bill that so entirely agreed with his sentiments, and promised much benefit to the community. He opposed two other bills which I then introduced, one for the flax, another for rape. He did so in consequence of a negotiation, as I was taught to believe, carried on by the ministers with a right reverend prelate, who had acceded to the barren land bill, provided the two others were resisted by administration in the Commons; the recollection of which agreement was supposed afterwards to have escaped the memory of the prelate. When that barren land-bill came back, strangely altered, the right honourable gentleman was much displeased, and conceived, I understood, the necessity of bringing in a proper bill this session; and does he now want to examine the merits of this measure. Is he now to seek about its properties? He tells you that the clergy have now petitioned against it, and that he wishes all of them should have time. Does he mean, that they in the extremest part of the kingdom should have time to form an opposition to his favourite measure? He says, he wishes to hear them by counsel; he is right, and, therefore, he passes over Monday, when counsel will attend at your bar, and adjourns the bill to the 1st of June, when they will not. As to any particular clauses against burning barren land, or defrauding the parson of his reversion, by a bad system of cultivation, or any other clauses which are not calculated to destroy the principles of the bill, I have no objection to them.

Before the session is over, I shall lay before this House some ideas on the general question of tithe. I shall ask leave to bring in a bill for the appointment of commissioners, who shall sit notwithstanding the prorogation of Parliament, shall have power to enquire into the different tithe-rates of the kingdom; and shall lay before the House a plan for ascertaining the

* The Attorney-general, Mr Fitzgibbon.

benefices accordingly. There are some indiscretions, compared with which hyprocrisy would be decorum, and dissimulation would be virtue. I am not reflecting on what fell from a bishop, so much as I am defending Christianity, by whose principles, on the last day, even the proudest of the priesthood must be tried. Let me suppose that day to have arrived, and, at the dread tribunal, the mitred head to be confronted with the naked peasant—"I was an hungred, and you fed me not: I was naked, and you clothed me not." Will he then answer his God as you have answered your country?—"The poor were not to be relieved at the expence of the clergy!" But this is putting human infirmity to too alarming a trial, and suggesting gloomy scenes of death and judgment, for which men, occupied by the riches, engaged with the amusements, and fretted somewhat with the politics of the world, are but little prepared. It was a declaration of indiscretion, of passion; to speak severely of it, of a warm judgment; to say the worst of it, of a fallible temper, and entirely to be forgiven, provided it shall be never repeated. I shall, therefore, hope, on recollection, it will not, as a general principle, be laid down, that the clergy should not contribute to the relief of the poor. Alas! that will not do. We are told the poor in Ireland do not deserve relief. "Suspicious subjects, Presbyterians inimical to the constitution, or Papists incredible on their oaths!" that is, below the condition not only of other Christians, but of other men, Jews, Pagans, Mahometans. Now, as the Roman Catholics happen to be the most numerous part of the Christian church, it follows, if the charge is true, that the majority of the followers of Christ are the worst of the human species; that the greater part of Christendom is the most reprobate part of the earth, and that the Redeemer of mankind has come in vain; and the result of the two opinions, that by one right reverend dignitary entertained of the Catholic church, coupled with the other tenet suggested by another dignitary to the Protestant church, is, that the former church has done much mischief to man, and that the latter is not to be at any expence to do him service. However, I will suppose these opinions to relax; the Presbyterian to be restored to his credit, the Catholic to be admitted to grace, yet there is another difficulty in the way of redress, the alleged poverty of the Irish church. The bishops allege in the Defence, that the people of Ireland pay incomparably less to their church than England. They acknowledge, that on a dividend of the whole income, including bishoprics and colleges, each Irish clergyman would receive 230*l. per annum*, and each English clergy-

man 150*l*. But then they compare the two aggregate funds, and because one thousand Irish clergymen do not divide as great an aggregate as ten thousand English, they affirm that Ireland pays incomparably less to her church. They do not deny that the English clergy are as ten to one, their funds as six to one; they cannot deny that the church of England men in England are more than ten times as many, and the people of England much more than ten times as rich; and then their pampered expostulation amounts to this, that the clergy of England, being ten times as many, having above ten times as much to do, get only six times as much, from a country which is, perhaps, twenty times as rich. In all this pathetic lamentation, how have they forgotten the presbyter! how have they forgotten the priest! and their humble pittance! and yet a poor priest shall defend the privileges of a man; and a presbyter shall be able to puzzle a mitre. With regard to the presbyter, I am clear his income should be increased; the *regium donum* is contemptibly small; one of the acts of a new administration should be to increase it.

When certain right reverend dignitaries insist on the poverty of the Irish church, compared with that of England, they suggest to the people of Ireland the following question: What induced those dignitaries to come to Ireland? Am I to understand that they left their great pretensions in the English church from a contempt of its riches? and sought preferment in the Irish church from a love of its poverty? Am I to understand that a contempt for dignity, added to a contempt of riches, has induced them to stand in the way of our native clergy, and happily fixes their humble eye upon the Irish mitre? Exalted they are then, at leisure to make pastoral observations on our people. "The *Squirearchy* are tyrants; the common people thieves; the Presbyterians enemies to the constitution; and the Catholics incredible on their oaths!" Having made an estimate of the value of our people, they proceed to a greater question, an estimate of the value of the income of the clergy. Then they calculate, and, like the industrious ant, or the busy bee, *thymo crura plena*, depositing in the episcopal cells, the bulky store of ecclesiastical revenue, they return to the crowd, and expostulate with their brethren on the poverty of the church.

I speak of some, not all. There are among them, men whom I revere. Such is one whom I do not name, because he is present; mild, learned, pious, and benevolent; a friend to the meekness of the Gospel, and a friend to men. Such is another whom I might name, because he is not present. He has the first episcopal dignity in this realm; it is his

same. I shall bring in the bill the middle of next week, whatever day the House sits to receive the bills from the Lords; and on that day I do request the attendance of gentlemen. If, then, gentlemen choose to go on with the business, and appoint commissioners, I shall rejoice; if not, I shall print the bill, and persist in the pursuit the next session of Parliament.

Sir Lucius O'Brien and Mr. Secretary Hobart approved of the principle of the bill; and the motion being put, that the bill be read a second time on the 1st of June, it passed without a division.

TITHES.

MR. GRATTAN PRESENTS HIS BILL FOR THE APPOINTMENT OF COMMISSIONERS TO ENQUIRE INTO THE STATE OF TITHES.

May 8. 1789.

THE clergy of the province of Munster, having seen a publication, entitled The Speech of Mr. Grattan on the subject of tithes, and which, though unauthorized, professed to have been spoken by him, thought proper to publish the following manifesto:

"We, the clergy of the province of Munster, at our last annual visitations assembled, having read a copy of a speech on tithes, entitled, by the publishers thereof, "The Speech of the Right Honourable Henry Grattan," — and being sensible that the misrepresentations therein contained may derive a credit from that gentleman's name (as he has not thought proper to disavow it), to which it is in no other respect entitled, and may tend to injure the clergy in this province, in the opinions of those who are unacquainted with them, and with the moderation of their demands for tithes, — think ourselves called upon to declare, publicly, that the prices which are in the said speech asserted to be demanded by us for tithes, do greatly exceed the prices demanded by the clergy of Munster, and are gross misrepresentations.

"We are of opinion, that the apparently high charges mentioned in this speech (if they be at all founded in truth) must apply to prices demanded by a very few proprietors of tithes, as well lay as ecclesiastic, and which, if specified (as they ought to have been), might probably have been justified by circumstances peculiar to those charges.

"But granting (what we do not believe to exist, for we *know* not such cases) that two or three instances could be found in the province of Munster, where the owners of tithe demanded and received for tithes prices unusually high, will such rare instances

prove a want of moderation in the clergy in general? Will they account for the indiscriminate attempts made in the year 1786, under the influence of an oath, administered from parish to parish, to deprive the clergy, without exception or distinction, of the greatest part of their property? Will they justify every species of combination, violence, and cruelty (such as were then experienced), beginning in intimidation, and proceeding from the most wanton inflictions of torture to the most barbarous kinds of murder? Or will they justify publications tending to criminate the whole body of the clergy of Munster as extortioners, which is apparently the great end and object of the speech herein mentioned?

"To the noblemen and gentlemen residing in our respective parishes we appeal, on whose testimony alone we should with confidence rely for our best justification against all such ill-founded imputations, were they confined to our own province only; for they would require no other refutation.

"But as all means have been used to give currency to unmerited censure, to stigmatize the whole body of the clergy of Munster, and through them to injure the established church, and the religion which, we hope, we practise as well as teach; we think that we should not discharge our duty towards ourselves, our brethren, and our country, were we silently to acquiesce under charges as groundless as they are injurious, and as inconsistent with the practice as they are with the principles of the clergy of the province of Munster in general.

"Signed, for the clergy of the dioceses of Cashel and Emly, at their desire, by

"Rd. Moore, dean of Emly; H. Gervais, archdeacon of Cashel; and C. Agar, archdeacon of Emly.

"For the clergy of the dioceses of Waterford and Lismore, by

"Hans Thomas Fell, precentor of Waterford; Wm. Downes, chancellor; Geo. Lewis Flury, archdeacon; Wm. Jessop, prebendary; Jos. Moore; Nicholas Herbert; and Anthony Sterling.

"For the clergy of the dioceses of Cork and Ross, by

"John Kenny, vicar-general; John Erskine, dean of Cork; John Chetwood, precentor; Robert Austen, archdeacon of Cork; Michael Tisdall, archdeacon of Ross; Horace Townsend, prebendary; David Freeman, prebendary; and Henry Jones, prebendary.

"For the clergy of the diocese of Killaloe, by

"John Parker, vicar-general; Edward Synge, Mau. Studdart, John Huleat, Thomas Dawson, Henry Bayly, Thos. Falkner, Kenedy Kenedy, James Nesbit, and Thomas L'Estrange.

"For the clergy of the diocese of Cloyne, by

"John Hewit, dean of Cloyne; Robert Law, treasurer; James Mockler, archdeacon; and Charles Broderick, prebendary.

"For the clergy of the dioceses of Limerick, Ardfert, and Aghadoe, by

"Mau. Crosbie, dean of Limerick; Wm. Maunsell, precentor; Dean Hoare, vicar-general; Thomas Graves, dean of Ardfert; Walter Stewart, precentor; and Edw. Day, archdeacon and vicar-general.

"We, the archbishop and bishops of the province of Munster, are firmly persuaded, after the most careful enquiry, that the declaration signed by our respective clergy is just and well-founded.

"Char. Cashel.
William, Waterford and Lismore.
Isaac, Cork and Ross.
Thomas, Killaloe.
Richard, Cloyne.
William Cecil, Limerick, Ardfert, and Aghadoe.

"*20th August*, 1788."

On this manifesto Mr. Grattan found it necessary to make some remarks; and, on this day, he presented to the House, according to order, "A bill to appoint commissioners for the purpose of enquiring into the state of tithes in the different provinces of this kingdom, and to report a plan for the ascertaining the same." The bill was received, and read the first time. He then moved, that it should be read a second time on the 25th, and spoke as follows:

Mr. Speaker, the advocates for tithes and their abuse, having declined a public enquiry, thought they best consulted the dignity of the church by resorting to a paper war. This war has been conducted under the mitred auspices of certain bishops; and these bishops have, in the course of it, accused me of making an attack on the Protestant clergy of the south. I did prefer, I prefer now, certain allegations, affirming that in some parts of the south there existed illegal demand, increasing demand, excessive demand, and an abuse of the compensation act; tithe-proctors, who extort fees, and tithe-farmers, who lay the poor under contribution. These charges I *did not affirm* to affect the major part of the southern clergy, but I did, and I do now affirm, that they do affect, in degree and extent, such a proportion of district as to call for the interference of Parliament. Two pamphlets on this subject, entitled my speech, were published, differing from each other, or resembling each other in nothing except in not being my speech. To these pamphlets the dignitaries above alluded *to have* replied. (Convinced that I neither spoke nor wrote the contents of either, they have charged me with both.) This unfounded charge they have thought proper to mask by calling it a Defence of the Protestant clergy of the south, and

have thus endeavoured to disperse through the community a false alarm, and a groundless accusation. This, which they call a Defence, sets forth, that the bishops of the south, in the year 1786, wrote circular letters to their clergy, desiring returns of their respective ratages; with a recommendation that these returns, if possible, should be made on oath. The Defence sets forth, that returns were made; the Defence suppresses the returns of the clergy, and gives the public in their place its own calculation, which it professes to be an average formed on these returns. Even so; let us admit such evidence; where the bishops contend, let the party be the evidence, and the advocate be the judge. The authors of the Defence having stated, that a most minute and general enquiry has been made, allege*, that, in the whole extent of that enquiry, they no where find the rate for potatoes higher than twelve shillings the plantation-acre. (These are their words, and on the veracity of this allegation depends whatever attention should be paid to their Defence.) I have from private hands assurances innumerable, in the most positive and direct manner, contradicting that allegation. I have from private hands affidavits without number, disproving that allegation. I will reject them all. I will, for argument, give the pastors a victory over their flock, and suppose, for a moment, their parishioners to be perjured, yet what shall we say of the clergy, who have, by themselves, or their witnesses, sworn the same thing? I will read you a report from the judge who went the Munster circuit of the spring of 1788. It is as follows: "At the last assizes held for the county of Kerry, at Tralee, a civil bill was brought before me, upon the compensation act, for the value of certain tithes. From the evidence of the plaintiff's own witness, and the schedule, the demand appeared as follows: tithe of potatoes, one acre and a half, 2*l.* 0*s.* 6*d.*" I will read another document, equally authoritative, from Cork.

* *Defence of the Protestant Clergy*, p. 93. But it must be remembered, that from the vicinity of these parishes to Limerick, and the great fertility of the ground, the average value of the crops of potatoes is twenty pounds, the tithe two pounds, and other crops in proportion. Now, is twelve shillings an unreasonable demand for what is worth two pounds? I further remark, that *I no where find the rate higher than twelve shillings the plantation-acre;* and the crop, wherever it is charged, not worth less than eleven or twelve pounds, more generally sixteen or twenty.

Rates of Tithes, on Petitions, for the year 1786, *in the County of Cork.*

IRISH ACRE.

Potatoes. from		to		Wheat. from		to		Barley. from		to		Oats. from		to		Meadow. from		to	
s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
12	9½	16	0	8	0	9	7	8	0	9	7	3	2	4	9½	3	2	0	0
16	0	0	0	12	9½	16	0	12	9½	0	0	4	9½	6	4½	6	4½	0	0
12	9½	0	0	9	7	0	0	0	0	0	0	4	9½	0	0	4	9½	0	0
8	0	12	9½	6	4½	9	7	6	4½	0	0	1	8½	4	0	3	2	4	0
12	9½	16	0	12	9½	0	0	8	0	9	7	8	0	0	0	4	9½	6	4½
11	2	14	4½	11	2	12	9½	8	0	11	2	4	0	6	4	3	2	0	0
9	7	14	4½	6	4½	9	7	8	0	0	0	3	2	6	4	3	2	5	2
11	2	12	9½	8	0	9	7	0	0	0	0	1	7	4	9½	1	7	4	0
8	0	16	0	11	2	0	0	9	7	0	0	5	2	0	0	4	9½	0	0
12	9½	16	0	8	0	9	7	8	0	9	7	4	0	4	9½	3	2	0	0
12	9	0	0	9	7	0	0	11	2	0	0	4	9	0	0	3	2	0	0

I must here observe, that the petition is, by the act to be brought for the customary charge, verified on oath.

I must observe also, that only nineteen petitions were tried for 1786, wherein rates were specified, and of the nineteen, eleven exceeded the rate of 12*s.* the plantation-acre; a rate, the Defence affirms, has never been surpassed. These petitions have been supported by the oath of the clergy, or their witnesses, and do directly falsify the allegation of the Defence. Here, then, is the allegation of the clergy on one side, and their oath on the other; they deny on oath what they affirm on honour. What becomes of the Defence now? not refuted, but convicted; convicted on oath, the oath of the clergy themselves, or their witnesses, taken at a public trial. Thus the Defence of the bishops is put down by the oaths of the clergy.

Here I might leave the Defence, if it did not advance another proposition too glaring to pass without observation*: it states, in a very confused manner I own, but it does state, that the average ratages have not in any southern county or diocese increased these thirty years. The gross improbability of this assertion must appear to every man, who reflects on the progress of things since the year 1756 (the period to which the Defence refers), who reflects how the mode of living has changed, and become more expensive since that

* *Defence of the Protestant Clergy*, p. 47. It is incontrovertibly true, that in most places the rates of tithe have not varied for the last thirty years.

And in p. 41. But sure I am, from the present state of ratages, collected from exact information, the average increase, through any entire county, diocese, or parish, if any there has been, can be but very small indeed, and that in very few parishes only, but certainly not throughout any diocese or county.

time, and how much the style and tone of modern clergymen exceed in expence and display, the old ministers of the Gospel. The improbability of this assertion would appear more fully, if I were permitted to bring to the bar of this House the parishioners, who could most feelingly attest the direct contrary; or were I permitted to produce affidavits which swear the direct contrary. But I will, for a moment, reject all this, and I will refute their case by nothing less than the authority of their own oaths, and the acknowledgement of their own vindication. The Defence states, that the average ratages of the poor dioceses of Cloyne and of Cork are above 10*s.* an acre, potatoes, and of Cork above 7*s.* 9*d.* wheat, and Cloyne above 9*s.* wheat; while in the rich diocese, potatoes are, as the Defence states, 7*s.* the acre, and wheat 6*s.* 6*d.*

The Defence endeavours to account for the disparity, and ascribes it to a number of corn-mills established in the county of Cork, and to the export trade of corn from the ports, Youghal, Cork, Kinsale, and Dungarvan. Now these mills, and this export trade, are almost entirely the effect of the corn-bounty, the inland bounty, which did not take place till the year 1758, and still more, the export-bounty, which did not take place till the year 1773, and which, with the inland-bounty, has been gradually, and more abundantly, operating ever since.

The Defence has then assigned a cause of increase, which cause began to exist within thirty years of the date of the enquiry; it follows, that the effect must have taken place within that period; it follows, that an increase of average-ratage has taken place in some dioceses within those thirty years; it follows, that the other great position of the Defence is unfounded.

Thus the two great positions of the case fail: the first is refuted by the oath of the party, and the second by the admission of the Defence: the Defence acknowledges what it denies, that the clergy have increased the average-prices of some dioceses within these thirty years; it acknowledges, what it also denies, that they have tithed the bounty; but I will waive all this; and yet I will show their case to be inadmissible. It states that they have procured returns from the clergy; what kind of returns you have heard; but it does not pretend to have gotten any from the lay impropriators; and it affirms that this share amounts to one-third of the tithes of this kingdom. It acknowledges, then, that the enquiry has omitted one-third of the question, and on such an enquiry they propose to decide the state of Munster and all its peasantry. Admit their Defence biassed, as it must be thought;

fallacious, as it has been sworn; self-convicted, as it has been proved; however, in compliment to its authors, let us for a moment admit it. Yet still it is not the state of the tithes of Munster; it is not commensurate with the question it presumes to cover; it does not affect to touch at all one of the three parts of the case; and when it affects to touch the other two, I have shown it to be erroneous. But I might waive all this, yet the Defence is still inadmissible, because false in its conception. The exhibiting the average-ratages of the different dioceses of the south, does not enable the public to judge of its condition. In order to expose the art of deciding any thing by those clerical averages, it is sufficient to recollect the famous average of a dignified writer, who, estimating the average income of the Irish clergy, excluded the bishoprics, and included the curates, to give the reader a just and fair sense of the property of the church. And still further, to expose a Defence founded on average-ratages, it is sufficient to examine the decrees of the court of Cashel, whose average-decrees are stated for the five years previous to 1786, to be 8*s.* an acre, potatoes, but whose particular decrees appear from the books in some cases to have exceeded 20*s.* The average-ratages of the different dioceses give the public no knowledge of the case. It may happen that the average-ratage of a diocese shall be moderate, and yet the ratages universally exceptionable. Suppose one half of the diocese under the ratage of Dr. Atterbury, and the other under the ratage of Capt. Right, the average might perhaps be moderate, but that apparent moderation of ratage would arise from the very circumstance which made it peculiarly culpable, from the double grievance, from the two extremes, from the opposite offences. It may happen that the proprietors of tithe in some cases crouch to the rich, and encroach on the poor; the average, under such circumstances, might appear moderate, but the moderation would arise from the compound of crimes, from crouching and encroaching, from meanness and extortion. The moderation of average-price therefore proves nothing; it is a method which not only conceals, but inverts the case. And as a Defence founded on an exhibition of average prices only, is unjust to the parish, so it is injurious to the parson. It makes the moderation of parson A. state in favour of parson B., who is an extortioner, and the exaction of B. state against A., who is moderate; as if A. derived riches from the extortion of B., and consolation from the reflection that, if he himself got too little, his neighbour B., whose example he condemned, got too much; and it supposes that A. had a further consolation from the experience, that, if he did not share the profit, he

divided the infamy. The exhibiting average-prices, therefore, gives no information. From those submitted in the Defence, nothing can be collected, except that they are not founded in fact. They are stated to be formed on returns which do not exceed 12*s.* the plantation-acre; though, from the oaths of the clergy, or their witnesses, the prices are proved to go to 27*s.* Waiving therefore other objections, this Defence must be rejected on two grounds: First, because the average-price is not the true defence. Second, because this Defence is not the true average. But though right reverend authority has not made out a case for the clergy, it has made out a case for the people. So it frequently happens; men are but instruments of Providence, and, without knowing it, fulfil her ways. The zealot is but an inflamed organ, bursting forth with unpremeditated truths; reverend writers endeavouring to establish a right in the Protestant clergy to a tenth of the peasant's labour, as prior to the Protestant religion, paramount to all other rights of property, and therefore prior not only to the Protestant, but to the Christian religion, have only served to bring forth proofs that such a right, if any, resides in the poor, and that the parson was only his trustee. So now the bishops, in their Defence, state the average-ratages of three out of the five dioceses to which their acreable-ratages refer, to amount to above 10*s.* the plantation acre for potatoes; and, in forming this average, they acknowledge they exclude all particular ratages above 12*s.* and therefore their average is less than the fact; and they do not pretend to include one or two shillings in the pound, notoriously paid to the tithe-proctor by the peasant, though reluctantly acknowledged by the Defence, and omitted in the average, which, on that account, is a still further departure from the fact. This 10*s.* the acre, demanded and received without any consideration of charity, which was the object of tithe; of building and repairing churches, as is required by the canon law; without parochial schools, as are required of the clergymen by the statute law, and in some places without residence, which is required by canon, common, and statute law, arises not only from the produce that feeds mankind, but from the only produce which, in Ireland, sustains the poor, and most numerous description, who have not poor-rates as in England, and who have another order of clergy to pay, which is not the case in England. This heavy burthen is more sensibly felt, by by being peculiar to the south, which, by the Defence of the clergy, is admitted, and represented to be in a state of not only actual, but comparative misery. For the continuation of this partial wretchedness, they state that one-half of the tithe of

the south arises from that very wretchedness, viz. from tithe of potatoes; the other half arises from wheat, which they state in these dioceses to be from above 7*s.* to above 9*s.* the Irish acre; from barley, which they state to be from near 7*s.* to near 9*s.*; from oats, which they state to be from near 4*s.* to above 5*s.*; from hay, which does not pay tithe in Connaught; from flax which does not pay tithe in Ulster; from cows, and sheep, and lambs, which they omit in their statement, but from whence the clergy of the south receive a considerable income. In short, from what does and what does not pay tithe elsewhere. I congratulate the southern clergy on all these advantages; but the Defence interrupts me, and says, that all this is only one-half of their income, there is another gotten from potatoes. Hear the description of the men, from whom that half principally arises — Beggars! men who get 5*d.* a-day for their labour, and pay 6*l.* a-year by the acre for their potatoe garden, which heavy rent is acknowledged to be aggravated by a tithe of 10*s.*; for the continuance of which heavy tithe, the heavy rent is, by the advocates of exaction, made the apology! Poor people! "If we relax, the landlord would encroach; he is worse than the parson!" These charges are further aggravated in some places by the disposition of the man who makes them, the tithe-farmer. The Defence states, that while the rich diocese of Cashel and Emly pays 7*s.* the acre, potatoes, the poor dioceses of Cloyne and of Cork pay above 10*s.* It states the cause of this inequality to be the tithe-farmer. It states two causes of high ratages in these dioceses, a brisk corn trade and the tithe-farmer. The latter cause alone is referable to potatoes. It describes these tithe-farmers (vagabonds), fishermen; but fishermen, it says, who do not live by fishing; and who, it also says, till nothing; and who, it is concluded, live by no labour, except the labour of exaction. The leasing the tithe to such a crew, is made a matter of mercy: poor people, they, (so runs the canting Defence,) "have nothing else to live by!" Thus the equity in favour of the tiller of the soil is made an equity in favour of a crew who bid against him; this equity, however, they own to be nothing more than setting the tithe to the highest bidder, and when these bidders are the cause, as the defence states, of raising the tithe of potatoes in the dioceses of Cork and of Cloyne, to above 10*s.* the acre, which tithe, in the diocese of Cashel and Emly, they state to be but 7*s.*; that is, when these canters raise the tithe above 30 per cent. the Defence does expressly applaud them for their moderation.

I have stated that the Defence of the southern clergy had made out a case for the poor. It has done so, it has proved the poor of those districts to be in worse situation than in any

other part of Ireland; but it has gone farther, it has proved the clergy to be in a better. It sets forth that, from a number of corn mills, and from a brisk export of corn, the extent of tillage in those parts has greatly increased. It states that, from those causes, the ratage on tillage has increased likewise; and thus it allows, what, however, in another part it denies, that the clergy have the double advantage, an increase of tillage, the effect of bounty; an increase of ratage, the effect of tithing that bounty. The Defence states that the clergy of the south have also a tithe of potatoes, the effect of their peculiar good fortune; which tithe, the Defence admits to be nearly equal to all the rest. The Defence does not state, but we do and can prove, that in some of these disturbed parts, the livings of the clergy have, of late years, doubled. I might appeal to individuals; some of them will acknowledge it; none of them can deny that the increase has been abundant. Hence it follows, that the authors of the Defence cannot set up the plea of poverty against the relief of oppression; and as they have made out a case for the poor, so have they suggested the facility of a remedy. They have in their Defence stated, that in the south the ratages have not in any county or diocese, for these thirty years, varied: that is, they have in their Defence set up a modus; a ratage of thirty years is a modus in fact, though it is not a modus in law, and does most decisively ascertain the possibility of establishing a modus by law. What now becomes of the solemn asseveration of the impossibility of paying the clergy in any manner, other than that of tithe? Either they who superintended the Defence, believe that the ratages have not varied, and their argument of impossibility is a pretence, or they do believe they have varied, and their Defence is an imposition. Now, though the Defence in this particular has exceeded the boundaries of reality, yet it does not so egregiously depart from them, as not to conclude the authors of the Defence, as to the practicability of fixing a standard, and is an argument sufficient for a modus, though not for a justification. The bill now submitted to your consideration proposes that commissioners should be appointed to enquire and to report. As to the commissioners, I do not mean that their number should be confined to members of Parliament; I would admit men more familiar with the subject submitted. As to the enquiry, it will be much facilitated by what has been done and written already; here it will appear, that the proprietors of tithe in the districts lately disturbed, have, for the most part, proceeded by an acreable ratage; that where they have not, they have proceeded by a mode peculiarly capricious and oppressive; and as in the

former case, they have made a modus easy; so in the latter, have they made it necessary. Your commissioners will discern whether the ratage increased from the activity of the tithe-farmer, from the advantage of the bounty, or the exceptionable conduct of the clergyman. Possessed of a knowledge of the criminal causes of increase, your commissioners will disallow all such in the formation of a modus, or tithing-table, for the different articles which are to be subject to tithe. They will, in the tithing-table, estimate each rate as equivalent to so many stone of bread-corn, to be valued at stated years, and at the desire of the owner of tithe.

Your commissioners will naturally think it advisable, in any plan they form, to exempt the cottager's potatoe garden from tithe, — the proprietor of the tithe to be compensated by a presentment, or an agistment, equal to the sum at which the garden is rated. They will also relieve the parishioner from small dues, and where such have been usually paid, they will probably think proper to compensate the clergyman in the manner above-mentioned. They will then think it advisable to relieve the proprietors of tithe, as well as the farmer and the poor, by giving the said proprietors, for the recovery of their income, a remedy effectual and summary.

Your commissioners may form a modus, as I have stated above, or they may go a step further, and submit a plan, by virtue of which surveyors shall be appointed annually by the parson and parish, to survey and make a return of the number of acres under tillage; the acres to be rated according to the tithing-table, and the gross sum to be levied in the manner of other country charges. When I say the commissioners will adopt such a plan, I only mean that if you appoint them, I will assist them, by submitting such a plan. I have stated it in general terms; but the mechanical part I have digested into two bills. The appointment of commissioners should precede the introduction of such bills, because the enquiry necessary to lay the foundation of such bills should not be left to any individual, but entrusted to a body empowered and appointed by Parliament. To an individual, however active his enquiry, authentic his information, the answer will ever be, We do not know all this, and therefore it is, I submit to you to enquire into all this yourselves. And in order that this system of reform should be a means of coercion, as well as of relief, I would have a provision, by which any parish rising up in tumult, such as was committed in 1786, and as is described in our laws, shall, for blank time, forfeit the benefit of the act, by paying an extraordinary ratage; the increased sum to go to some public use.

But whatever redress is intended, that redress must come from you, it will not come from the clergy. The parochial clergy may wish for a regulation, the bishops do not. One dignitary has denied that tithe can by any possibility be an oppression; other kinds of property may, but the full tenth of your capital, your land, and your labour, paid to the church, we are informed, carries along with it an inherent impossibility of being a burden! A heavenly-gifted and mysterious property, it seems, which cannot corrupt, but must for ever abide by original purity, and primeval perfection! Another dignitary has told you, *that the poor are not to be relieved, if the clergy are to be at the expence!* When a bill for the improvement of barren lands, and the encouragement of industry among the lower orders of the people, was, on the last session, resisted by the spiritual peers, a right reverend prelate was said to have declared as a principle, that the poor should not be relieved, if the clergy were to be at the expence. Such a sentiment coming from a Christian, and a Protestant bishop, must have smitten every breast with deep and sincere affliction; but if we are cast down by so great and grave an authority on the one side, we are consoled again by a still higher interposition, the express commands of the Gospel and the Scriptures on the other. The Saviour of men suffered on a principle different from that which the right reverend prelate has introduced. The apostles, the martyrs, and that flaming constellation of men that, in the early age of Christianity, shot to their station in the heavens, and died, and dying, illumined the nations of the earth with the blaze of the Gospel, were influenced by inspirations of a very different kind. Had Christ been of the prelate's opinion, he never had been born, and we never had been saved. Had he said to his apostles, "The poor are not to be fed, the valley is not to laugh and to sing at the expence of our church;" or, had the apostles said to the nations of the earth, "Ye are not to be benefited at the expence of Christian pastors;" or, had the martyrs expostulated with themselves, "We will not suffer for mankind," what had become of the Christian religion? Let the Pagan priest of Jove, or the sensual priest of Mahomet, deliver such doctrine, but do not you part with the palm of Christianity, nor relinquish the lofty self-surrendering precepts of your Gospel, in order to brand your Prayer-Book with such prophane notions as these.

With all his errors on his head, the Pope himself is too discreet to commit himself with the Bible, by inculcating self-interest as a part of his creed. He has proclaimed, that the support of the poor is necessary, according to the true and ancient discipline of the church; and he has taxed church

right. He takes it by virtue of the commanding benevolence of his mind, in right of a superior and exalted nature. There are men possessed of certain creative powers, and who distinguish the place of their nativity, instead of being distinguished by it; they give birth to the place of their residence, and vivify the region which is about them. The man I allude to, I know not, or know him as we know superior beings—by his works.

I have, in the foregoing part, endeavoured to defend myself against an attack, published without the names of certain dignitaries of the church, but not without their authority. I shall now strive to answer another attack, published by their authority, and with their names annexed—the parochial clergy of Munster, at their annual visitations assembled.

A very respectable assembly; how employed? To assist the committee appointed by act of Parliament to enquire into the scandalous abuses which have sunk the charitable funds of royal and private donation? No; from the southern archbishop that committee has received no assistance. To establish parochial schools, according to act of Parliament, at their own expence? No; that work has been neglected. To establish diocesan schools, at their own expence, as by law they are obliged? No; that too has been neglected or perverted. To enquire into the state of charter-schools, and to follow Howard in his pious and singular activity? No; the parochial clergy of the province of Munster, at their visitation, have been otherwise employed. They have read a speech concerning their tithes; and yet there were subjects more worthy of their interference! Their God has been denied by the arguments of the Atheist; his Son has been denied by the arguments of the Deists. English bishops, Presbyterian ministers have come forth; the parochial clergy of Munster, and their six bishops; have they signalized themselves in this holy war? Their learning, their industry, their zeal on their natural subject, I look for. I cannot find them. Their country, as well as their God, had been outraged; her trade crippled; her constitution destroyed, and her final judicature, of which the right reverend the lords spiritual compose an implicit part, usurped. What an opportunity here for their interposition during a long period! Where are their spirited votes? Where are their deep researches? A layman, indeed, on that occasion, came forth, Molyneux came forth; and, though he could retake the citadel, he rescued the holy vestiges, the vestal fires of the constitution, and rescued them without aid from the dignified priests of the temple. A most successful struggle to recover trade and freedom was afterwards made; what an

opportunity here! The Presbyterian ministers came forward in every shape; the Roman Catholic priest afforded us his literary assistance; the parochial clergy of Munster, our clergy, our bishops, not one syllable; on their part a sad blank, profound, uninterrupted taciturnity. When their God, their Redeemer, and their country are in question, they are silent; but, when a twelvepenny point of their tithe is brought forward, then they are vivacious; then the press storms with clerical fury; then a loquacious synod is held in the capital, in the seat of learning, under mitred auspices, training up the reverend youth of the country in the office of anonymous publication, and innoculating their tender minds with the scribbling itch of meagre production; and then the parochial clergy of Munster, deans, deacons, archdeacons, prebendaries, and precentors, with six bishops, in holy order, and solemn march, advance,—for what? To commit a breach of privilege; to abuse an individual: "The provincial clergy having read a speech, entitled by the publishers the speech of Mr Grattan, and by him not disavowed." Here I must suggest an established rule, which I scorn to insist on, but am forced to acknowledge. No man, no body of men, have a right to charge on a member of the legislature, as his speech made therein, an unauthorised publication. Against this rule have transgressed, those anonymous and wrathful clergymen, who, in a flock of noisy publications, have attacked what I never published; and replied to what I never said: no matter; they are welcome. They have shown that all of them can write; it remains for them to show that any of them can excel: their patrons I hope will reward them! The flies of the vintage, they gather about the press, and already taste, in devout expectation, the inspiring fruit. A light swarm! that they should travel over boundaries I am not astonished; but that the grave body, the parochial clergy of Munster, with their six bishops; they too are welcome. I should be the last man to avail myself of an intemperance; and they are the last body against whom I should insist upon it. Requesting, therefore, that when the exalted of their body complain of encroachment, they may extend to others that indulgence which they themselves (it appears) sometimes stand in need of, I shall wave the irregularity of the attack, and suppose the parochial clergy of Munster to have come forward in a shape in which they are not exposed to a censure, but entitled to an answer. It is a matter of anxiety to know what is the evil they advance to combat; they state it; "Lest an anonymous pamphlet should, in their own province, prejudice them in the opinion of men unacquainted with their persons or moderation." If by such

they mean their parishioners, I understand them; but if they mean the people of the other provinces, I do not see how the parochial clergy of Munster can be specially affected in their own province, by the opinion of men who live out of it; but if they wish to recommend themselves to such, if the opinion of such men is worth their attention, the parochial clergy of Munster must take measures very different from the manifesto, — they must agree to an exemption for the potatoes of the peasant; they must agree to an exemption for the flax of the manufacturer; they must accede to a modus, not a manifesto, if they have an anxiety about their character. When a great body condescends to give a reason for its proceedings, that reason should be excellent; and rather than have offered such a one as they have submitted, I think the parochial clergy of Munster had more consulted their dignity, by assigning no reason at all; resting every thing on authority, and standing forth in the public prints, a great name without an argument.

Having professed such an object for interposing, the parochial clergy of Munster endeavour to accomplish that object by a manifesto, declaring that the prices set forth in the speech alluded to, do greatly exceed the prices demanded by the clergy of Munster, and are gross misrepresentations. Here it becomes of moment to know what are these prices set forth in the speech. I do not find, the speech relies on prices for wheat, which exceed 16*s.* the acre, or on prices for potatoes, which exceed 27*s.* the plantation acre. But such prices, or any thing near such prices, are bad enough in all conscience. Whether the prices are 10*s.* for wheat, or 13*s.*, 14*s.*, 16*s.*, 20*s.* or 27*s.* the acre, for potatoes, they are unconscionable. I agree with the parochial clergy of Munster, in their honest indignation at the perusal of such charges; and can only observe they are sworn to by themselves; they are enormous, uncharitable, and unchristian: and thus this declaration on the oath of the clergy, is nothing more than a manifesto against the exactions of their own body. These clergymen, these tithe-farmers, or these tithe-proctors, who have recovered under this act, and who by themselves or their witnesses, have sworn to such scandalous charges, should take notice, that they are proclaimed by the parochial clergy of Munster, at the annual visitation assembled; that the prices demanded by said persons, are proclaimed and stigmatised, and publicly disavowed and reprobated by the bishops and the clergy of the province of Munster, at their annual visitations assembled; that these prices are pronounced not only to exceed what they themselves demand, but to exceed their demand in a very

high degree; to be not only exorbitant charges, but incredible calumnies. Miraculous! that the clergy of Munster, with their six bishops, meaning only to attack a member of Parliament, should, by a blind but heaven-directed zeal, pronounce ecclesiastical and episcopal judgment against unconscionable tithe—their own exactions. See the first fruits of the zeal of a layman, and the temerity of a bishop.

The parochial clergy of Munster, having, in the first paragraph of their manifesto, affirmed an universal proposition, are advised in the second to give that paragraph a contradiction. They are of opinion, that the prices set forth in the speech, and denied in the manifesto, may exist notwithstanding; but if they do, they are only apparently high, and are really justifiable. In the first paragraph, they are advised to decide against their existence and moderation. "They greatly exceed the prices demanded; they are false; they are calumnious." In the second, they are advised to change their opinions with respect to both; they may not be false; they may be justifiable; the contradiction is of little moment; the justification must be observed upon: is twelve, thirteen, fourteen, fifteen, twenty, twenty-seven shillings an acre for potatoes, justifiable? Have the provincial clergy of Munster, with six bishops at their head, come forth to tell us this? Have the parochial clergy of Munster come forth to excuse extortion? Do the parochial clergy of Munster design, by such a justification, to recommend themselves either in or out of their province, to those who are, or to those who are not, acquainted with their persons, and who are yet to be acquainted with their moderation? I did hope, that the parochial clergy of Munster, at their annual visitation assembled, would have held a different language, and instead of reading newspapers, or answering pamphlets, would have employed those sage and sacred moments to restrain exaction, and to animadvert on extortion. Here I see and lament that fatal spirit of corps, which arms the enemies, and discomfits the real friends of the church. The reverend and learned body read in the pamphlet certain figures of unjust prices, with natural indignation. But they were brought to recollect, that these prices might be the charges of a brother churchman. In their capacity, as men and gentlemen, they abhor; in their corporate capacity as priests, they are advised to apologize; hence a confusion of style from a distraction of sentiment; hence the printer, who puts down the figures of certain prices is guilty; the minister who exacts them, innocent. A piece of money, which in numbers tells as exaction, being deposited in the pious hand of a spiritual pastor, undergoes a sort of transubstantiation,

and is only apparently high, while the clerical offender is acquitted by a miracle, and this miraculous benefit of clergy is extended to the lay, as well as the ecclesiastical owners of tithe, and to all the low and wretched train of persons of various professions and religions connected with its collection. I excuse the zeal of the parochial clergy of Munster; I say nothing of their discretion. I applaud the first motions of their heart. I am sure the majority of them scorn to practise what they are influenced to extenuate; but do not these worthy men perceive, that while they insist on the moderation of such practices, they may bring into question the moderation of their own principles, and teach the public to fear, lest these prices, which are now the subject of their defence, may become hereafter the object of their imitation? The progress of exaction is well known: from general indignation to special toleration, from special toleration to general adoption. I own I see the necessity of my bill *now*, emphatically *now*—just at the critical period before those high charges have become a general practice; and when they begin to receive a degree of countenance, when the balance of charity trepidates in episcopal hands, when exaction has not lost all her native horrors, and yet is growing somewhat familiar to their eyes, is only apparently high, probably justifiable.

The parochial clergy of Munster proceed: they say they do not believe, that in the whole province of Munster, there exist, of prices unusually high, three, or even two, instances. The parochial clergy of Munster do not believe, that throughout the whole province of Munster, in the counties of Cork, Tipperary, Limerick, Kerry, or Clare, in all the livings, lay as well as ecclesiastic, among all the owners of tithe, clergymen, lay-impropriators, tithe-proctors, tithe-farmers, or subtithe farmers, there exist of prices unusually high, three, or even two, instances. I respect the parochial clergy, and marvel that so grave a body should have been induced to commit itself on so monstrous an assertion.

The declaimers for tithe have represented the landlords of Ireland as extortioners; these are the lay-impropriators. The same declaimers have represented the middle-men as unextortioners; these are the tithe-farmers. Do these descriptions of men, the landlords, who are extortioners, the middlemen, who are extortioners, put on a new nature when they come in contact with tithe, and derive the virtue of moderation from the contagion of a property the best formed to prompt, reward, and conceal exaction? This is infallibility! denied, indeed, to the doctrine of the priesthood, but now transferred to the property of the church,

Here again breaks out that spirit of corps, which always exposes the church; there is no extravagant conclusion to which it will not lead men in certain situations, though of excellent understandings. But, to wave the rashness of such an assertion, had not the parochial clergy of Munster their own experience to direct them? Had they never made the ratage or value of church-benefices any part of their private meditation? Had they not the returns, admitted to be made in 1786, to instruct them? There, every where, they could have discovered their error. What! in the whole province of Munster they do not believe that of prices unusually high there exist three, or even two, instances? Admit their position, and they are disgraced; all are alike; twelve, fourteen, sixteen, twenty, or twenty-seven shillings the acre, for potatoes, are, according to this, not the unusual charges of a few, but the extortions of all. Never was such an attack published against the southern clergy, as this manifesto propagated by themselves on their own oath.

Having ceased to assert, the manifesto proceeds to interrogate. When a grave and respectable body of men propound questions, they deserve answers, even though the questions themselves are of little moment. The parochial clergy of Munster ask, whether the want of moderation, if any, in some, will justify every species of violence, combination, and exaction? To whom do they apply this question? To government, who gave them troops; to the legislature, that gave them a riot act, and a White-Boy-act, and a magistracy, and two compensation acts? Are the parochial clergy of Munster aware of the force, the influence, the expence, and the high penal nature of these measures? And how the constitution bled, and the springs of justice well nigh cracked, while we listened to such suggestions? Do I condemn them? No; after some necessary qualification and amendment, I voted for most of them; I voted, under the pressure of the times,—for temporary coercion, before enquiry; and I did hope the clergy would not have opposed me in moving for subsequent enquiry, to prevent the continuation and repetition of coercion. The parochial clergy of Munster ask, whether exaction will justify outrage? I own I am at a loss to discover their provocation for such an interrogatory. Versed, as they certainly are, in the science of ethics, they undoubtedly must know, that crimes justify their punishment, not one another. Exaction will not justify robbery, nor robbery exaction. When the southern clergy applied to government for troops, to the legislature for capital punishments, they said, "Suppress the insurgent by arms; punish the robber by death!" and we listened to them. When they come forth a second time,

with a display of past sufferings, and with a peevish interrogatory, "Whether exaction will justify every species of cruelty," they mean nothing; or, they do mean, Be tender of the exactioner! do not enquire into his transgressions! let his sufferings be a set-off against his offences! And here we cannot listen to them; otherwise, civil society would cease to be a system of reward and punishment, and would become nothing more than a scale of iniquity; from exaction to tumult, and from tumult suppressed, to exaction triumphant! disgusting extremes!. A bishop bawling for tithe, and a White-Boy for rebellion.

The parochial clergy of Munster ask, whether a want of moderation in some, will justify a crimination of the whole body? which crimination they affirm to be the great object and end of the speech alluded to. To this most serious and unmerited reflection, I answer, that I did arraign many of the tithe-farmers, many of the tithe-proctors, and some of the clergy of the south; but that I did not arraign the majority of the latter description; on the contrary, declared I presumed the majority to be innocent. I may add, that some of their subscribing dignitaries were present; the manifesto, then, is liable to this observation, that it has brought forward the misrepretation of my speech, and that it has omitted to bring forward the fact. I am glad, however, that the parochial clergy of Munster, by their question, declare they disapprove of general charges, founded on some particular instances; but this concession will subject them to a keen retort from various descriptions of his Majesty's subjects: and first, from all the peasantry of Munster, who will ask, whether the turbulence of some peasants, justified a certain quarter in resisting an enquiry into the distresses of the body at large? and whether those excesses justified the declaimers for tithe in representing the peasantry of Munster as one vast confederated Popish banditti? It will expose them to another question from the landlords of Ireland, who may ask, whether the rack-rent of some, justified those declaimers for tithe in representing the landlords of Ireland in general as *extortioners?* It will expose them to another question from all the Presbyterians, who may ask, whether the rising of some Popish peasants in the south, justified the advocates for tithes in proclaiming the Presbyterians of the north, and indeed the whole Presbyterian community, as labouring under an incapacity of being sincere friends to the constitution? It will expose them to another question from all the Roman Catholics, who will ask, whether such risings as above, justified the advocates for tithes in representing the whole Catholic community as inimical to the

constitution, and incredible on their oaths? What description of subject, that has not been traduced? What character that has not been outraged? Offend their God, and they will absolve; offend their property, and they persecute. I am glad that the parochial clergy of Munster have felt the impropriety, though I should be sorry they ever should feel the lash of general reflections, founded on particular instances: and I sincerely hope it will be a lesson to some of their bishops in future not to make, and a lesson to some of the clergy not to countenance, such general reflection. I agree with the parochial clergy of Munster such reflections are matter of censure in a printer; but I go a step further; I do not think them matter of thanksgiving in a bishop.

The parochial clergy of Munster complain, that all means have been used to give currency to unmerited censure, and to impose a stigma on the clergy of Munster. They are right; but let them direct their complaints to the proper objects; let them turn to those who helped certain ponderous publications on their side, through a series of heavy editions; let them turn to their own hot and hazardous pilots; let them expostulate with their own leaders, those cloudy luminaries, under whose angry influence worthy men have sought those rocks on which they fear (vainly I hope) the wreck of their reputation. Let them turn to those who advised some amongst them to resist the interest of the manufacturer, by petitioning against a modus for flax; to resist the interest of the husbandman, by petitioning against a bill for the improvement of barren land; to those who attempted to commit the established church with the whole Catholic community, by declaring the individuals who compose it to be incredible on oath, and with the whole Presbyterian community, by declaring both to be inimical to the constitution of the realm. Turn to those who spirited up worthy men to express their approbation of such illaudable productions. Turn to those who have now spirited up grave and worthy men to come forward with this empty manifesto. The clergy, no doubt, have reason to complain of the paper war; they have found, in a country where reason may write, the palm is not to the proud potentate, their antagonists have reached them, but the worst wound came from their own quarter; the pompous folly, the dogmatical and intolerant spirit, the false alarm spread, the unfounded charge made, the want of discretion, and the want of decorum. There is something which distinguishes an ecclesiastical war on the subject of property; a miraculous degree of perseverance, a marvellous portion of fire, a certain turbulence of zeal, and an appetite for the thing in controversy,

which is not only keen but ferocious. However, if their own publications have hurt them, the injury is not great; few of them have been read, most of them are forgotten; the brief children of rank appetites, they have tasted of death, even in the life-time of their ghostly progenitors.

To the nobility and gentry of Munster, the parochial clergy appeal. Why not the people, do not they pay tithe? do not their potatoe-gardens pay tithe? The Saviour of man would not have passed them by. Had he only appealed to the nobility and gentry of Judea, he must have overlooked his own apostles. Had the parochial clergy of Munster been left to themselves, their appeal would have taken a more evangelic direction; but when court potentates prescribe, when bishops suggest, the parochial clergy are controlled, and those right reverend apostles present, as usual, their faces to the great, and habitually turn from the poor and the Lord: they overlook Lazarus expiring at their feet, and call on Dives to give his sense on the subject of charity.

The parochial clergy of Munster inform you, that the church is attacked; they tell you more, that religion is attacked; and they tell you how, because an attack, as they conceive, has been made on their property. They annex divinity of religion to the importance of their own exactions. With every respect for the parochial clergy of Munster, I cannot accede to the irreverent and impudent familiarity with which, divines on their side make common cause with the Almighty. The parochial clergy of Munster will agree with me, that this licentiousness should be confined to human objects, and that the majesty of the Godhead should remain inviolate. What! is there nothing in our religion, nothing in its external, nothing in its internal evidence; nothing in its miracles, prophecies, propagation, doctrine, and diction, to raise its Author above the possibility of being affected by the paper war and wretched wrangle in which some idle ecclesiastics may have involved themselves. He has prevailed against greater enemies, the pride of the high priest, and the servility of the bishop. But it should seem that it was not religion which supported the parson, but the parson that supported religion. The error, however, is natural and common; the politician thinks the state rests on his shoulders, and the dignified divine imagines the church and the Christian religion, the firmament and starry sphere to dance round his person and property. It is a matter of curiosity to know what, on the present occasion, has endangered the Christian religion; an anonymous pamphlet against tithe, and a motion to enquire into the sufferings of the poor; for this is the Godhead brought out from his shrine,

and exposed as an outwork in defence of church property. However, if their religion is so connected with every step they take, they have the remedy within themselves; let them agree to such acts as will benefit the community; or let them cease to oppose every act that has a tendency to relieve or to enquire. Once more I offer a public enquiry. I solicit once more redress for the peasantry of this country. I offer a bill appointing commissioners for that salutary purpose. Do the clergy of Munster decline the offer? What! are they afraid of an enquiry? Will they shelter themselves under a court? Have they come forth with a manifesto, and do they now deprecate an examination? Once more I offer it, and I add, that if this bill should pass, and commissioners should be appointed, the clergy will be made sensible that we are friends to the provision of the church, as well as to the relief of the people.

Mr. Marcus Beresford and Sir Henry Cavendish opposed the bill, and declared they would oppose every bill of a similar kind. It was supported by Mr. George Ponsonby and Mr. Charles O'Neill. They stated, that the object of the measure was misconceived. It only went to appoint commissioners to enquire into the state of tithes, and was not intended to affect the rights of the clergy. The subject was of great importance, and something ought to be done to alleviate the distresses of the peasantry in the south. Yet the fate of the measure was but too apparent; for whether the people were quiet, or were committing acts of violence, nothing was to be done to relieve them.

The question, that the bill be read a second time on the 25th of May, was then negatived without a division.

The following is the copy of the bill that Mr. Grattan presented:

"Whereas it is expedient to relieve the people of this kingdom from the hardships to which they are now exposed, by reason of uncertain payments or demands on account of tithes or small dues: in order to ascertain or commute both, in time to come, and to assist the clergy or lay impropriator in the collection thereof, and to prevent disputes in future between the clergy and their parishioners, be it therefore enacted, by the King's most Excellent Majesty,

shall be, and they are hereby appointed commissioners for the purpose of examining and enquiring into the ratages, prices, sum or sums of money paid within each of the last years immediately preceding the passing of this act, by the landholders in the different parishes of this kingdom, for every species of tithe, of what denomination soever, taken or received by any ecclesiastical person or body, rector, vicar, curate, or impropriator of such parishes, whether by force and virtue of any *modus decimandi*, ancient composition, or of an agreement entered into annually, or by virtue of any other right whatsoever; and also to examine and enquire into the tithe-rates usually paid for years;

and also the nature and amount of the small dues and personal tithe claimed by said ecclesiastical person or body, and paid by the inhabitants of the different parishes in this kingdom to the same.

" And be it further enacted, by the authority aforesaid, that the said commissioners, and each of them, so appointed as aforesaid, before he or they shall enter upon the execution of the powers of this act vested in them, shall take the following oath before the Lord Chancellor, or any of the judges of His Majesty's courts in Dublin, for the time being, which they, or any of them, is or are hereby authorized and required to administer.

" I, A. B., do swear, that I will, impartially, and without favour or prejudice, act as a commissioner in the exercise of all such powers and trusts as are conferred by an act, intituled " An act

" And be it further enacted, by the authority aforesaid, that it shall be lawful for the said commissioners, or any three of them, and they are hereby required, so soon as conveniently may be, after the passing of this act, to meet at some convenient place within the city of Dublin, and to adjourn, from time to time, and to such places within this kingdom as they shall think fit, for the purposes of carrying this act into execution.

" And be it further enacted, by the authority aforesaid, that the said commissioners shall appoint a secretary, who shall, from time to time, issue all the summonses and orders of the said commissioners, and make entries of all their proceedings in a book or books to be kept for that purpose; which said secretary shall receive a salary of pounds per annum, and no more.

" And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, or any three of them, from time to time, as they shall think proper, to issue their precept or precepts in writing, under the hands of the said commissioners, or any three of them, to summon and call before the said commissioners, at any day or place to be named in the precept, any person or persons upon oath, which oath the said commissioners, or any one of them, is and are empowered to administer, concerning the truth of all matters to which such person or persons shall be so examined by the said commissioners, or any one of them.

" And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said commissioners, or any three of them, from time to time, as they shall think proper, by an order or orders of said commissioners, in writing, under the hands of the said commissioners, or any three of them, to order and direct any person or persons whatsoever, having in their custody or power any record or records, deeds, parchments, books, papers, or writings whatsoever, in anywise touching or concerning any of the matters concerning which the said commissioners are hereby em-

powered to enquire and examine, to attend in person before the said commissioners, or any three of them, on a day and place to be named in the order of said commissioners; and to bring with them, and produce and deposit with the said commissioners, or any three of them, all such records, books, papers, and writings as aforesaid, which such person or persons shall so have in their custody or power.

"And be it further enacted, by the authority aforesaid, that if any person or persons who shall be served with such summons or notice as aforesaid, to appear before the said commissioners for the purpose of being examined as aforesaid, or who shall be served with such order as aforesaid, to attend as aforesaid, before the said commissioners, to bring with him or them such records, deeds, parchments, books, papers, or writings as aforesaid, shall refuse to appear, or shall refuse to be examined by the said commissioners, or any three of them, or shall refuse to answer such legal questions as shall be propounded by the said commissioners, or any of them, touching any matter or thing which they are empowered or directed by this act to examine into, or refuse or neglect to attend before such commissioners, from day to day, when required so to do, or to produce such records, deeds, parchments, books, papers, or writings, or any of them, at the time and place named in such summons, or notice, or order aforesaid, and shall omit so to do, without good and sufficient cause for such omission, to be allowed by the said commissioners, or any three of them, to be verified on oath before the said commissioners, or any three of them, by an affidavit, to be sworn before any one of the said commissioners, or before any one of the judges of His Majesty's courts in Dublin, or before any judge of assize or circuit, every such person shall forfeit the sum of 20*l.* for every such refusal, neglect, or omission, to be recovered by bill, action, plaint, or information, in any of His Majesty's courts of record, by any person who shall sue for the same.

"Provided always, That such summons, notice, or order of the said commissioners, shall be personally served upon, or left at the place of abode of such person or persons as shall be so summoned or called before the said commissioners, to appear to be examined as aforesaid; and that such order of the said commissioners shall be personally served upon, or left at the last place of abode of such person or persons, as shall, by such order as aforesaid, be directed to attend before such commissioners, and to bring with them such records, deeds, parchments, books, papers, or writings as aforesaid, at least ten clear days before the day on which, by the said summons, or notice, or order, the party or parties so served therewith shall be directed to appear or to attend before the said commissioners: And provided, that no person shall be obliged to attend in such manner, at any place above miles distant from his place of abode.

"And be it further enacted, by the authority aforesaid, that the said commissioners shall, on the first day of the next session of Parliament, deliver and lay a report in writing, under their hands

and seals, or the hands and seals of any three of them, before the House of Commons of this kingdom, and as often as they shall think proper, during the said session, of all matters appearing to them, upon such examination and enquiries as aforesaid, and which shall be judged by the said commissioners, or any three of them, necessary or proper to be reported; and also to report and suggest such plan or plans as may appear to the said commissioners advisable, for regulating, ascertaining, or commuting tithe, and such dues as are now paid to the clergy; together with a plan for the more expeditious and easy collection of the same, when regulated, ascertained, and commuted.

"And be it further enacted, by the authority aforesaid, that this act, and every clause therein contained, shall be in force, and so continue, until the 25th day of

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OPENING OF PARLIAMENT.—SPEECH OF THE LORD-LIEUTENANT (WESTMORLAND).

January 22. 1790.

THE session was opened on the 21st, by the Lord-lieutenant (Westmorland), with the following speech to both Houses of Parliament:

"My Lords and Gentlemen,

"The King having been graciously pleased to place me in the government of this kingdom, I have *His Majesty's commands to* meet you in Parliament; and it affords me peculiar satisfaction, that I enter upon the discharge of this most important trust at a period when this country, in common with the rest of His Majesty's dominions, is in the secure enjoyment of the blessings of peace, and of the inestimable advantages arising from our free constitution.

"This happy situation will undoubtedly encourage you to persevere in the maintenance of good government, and to adhere to that wise system of policy which has established the credit, the industry, and the prosperity of your country, upon a firm and steady foundation.

"Gentlemen of the House of Commons,

"I have ordered the national accounts to be laid before you, and I trust you will make such provisions as shall be necessary for the exigencies of the state, and the honourable support of His Majesty's government.

"My Lords and Gentlemen,

"Your zeal for the interests of this country will naturally direct your attention to whatever can increase the wealth, and extend the industry of Ireland. Her agriculture and linen manufacture

will claim your especial care; and the institutions of the charter and other Protestant schools, will, I am persuaded, receive from you that consideration which the interests of religion and the good education of youth peculiarly demand. I earnestly recommend to your attention the improving and continuing such laws as experience hath shown to be of national benefit; and I have the King's commands to assure you, that such measures as may contribute to that end will meet with His Majesty's most gracious concurrence.

"Impressed with a deep sense of the distinguished honour which His Majesty has conferred upon me, by my appointment to this arduous situation, I shall endeavour, with the utmost zeal and attention, to promote the happiness and welfare of Ireland; fully sensible that I cannot otherwise hope either to render my services acceptable to my sovereign, or to ensure your favourable opinion and confidence."

On the 22d, the report from the committee on the address to His Majesty was brought up by Mr. Richard Longfield, as follows:

"To the King's most Excellent Majesty, the humble address of the knights, citizens, and burgesses, in Parliament assembled.

"Most gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, being fully sensible of the peculiar benefits this country enjoys under Your Majesty's mild and auspicious government, in the blessings of peace, and the inestimable advantages of our free constitution, beg leave to approach your throne, with the most dutiful professions of grateful loyalty and cordial attachment to your royal person, family, and government.

"In reflecting upon the established credit, increasing industry, and rising prosperity of our country, we are filled with additional incentives to maintain good order, and permanently to uphold that wise system of policy which has been attended with such extensive and beneficial consequences.

"Your Majesty may rely upon your faithful Commons to make such provisions as may be necessary for the honourable support of Your Majesty's government, and the exigencies of the public service.

"The just consideration of our interests which has been manifested in the speech from the throne, by directing our especial attention to the agriculture and linen manufacture, to the institutions of charter and other Protestant schools, and to the improving and continuing such laws as experience hath shown to be of public benefit, demands our sincerest acknowledgments; and we beg leave to assure Your Majesty, that your faithful Commons, encouraged, by your gracious declarations, to concur in whatever may promote these beneficial ends, will apply themselves, with unremitting zeal and fidelity, to the speedy discharge of the national business, and to the pursuit of those salutary objects, which Your Majesty has been pleased to recommend to our notice.

"We cannot forbear to express our warmest acknowledgments to Your Majesty for the appointment of a chief governor, from whose many and amiable virtues we have every reason to expect a just and prosperous administration, and whose faithful representations will ensure the continuance of Your Majesty's confidence in an affectionate and loyal people."

The address being again read, on the reading of the second paragraph,

Mr. GRATTAN rose and said: though I do not intend to give any opposition to the address, yet I feel myself called upon to make some observations upon the transactions which have taken place, during the interval of time which has elapsed from the close of the last to the opening of the present session; and though I can freely declare, that I have not the smallest personal dislike to the ministers who have governed during that period, yet it is impossible for me to avoid reprobating their measures; it is impossible for me to avoid declaring, that the conduct of those ministers, was little less than a daring outrage on the liberties and the morals of the people; for at no period so many instances of corruption and coercion have occurred. I have, therefore, chosen the earliest part of the session to mark my disapprobation of them. You remember the threat of expence; it has not been uttered in vain; it is almost the only public profession which the late viceroy has not violated: and yet this country was a bad subject for the experiment. In the course of the last five years, exclusive of bounties, and exclusive of police, you have added at the rate of 200,000*l. per annum*, annual increase to your national expences; a sum more than the whole interest of the nation's debt, and equal to one-fifth of her annual expence.

You are astonished! you have reason; it is near one-fifth of your net revenue, and more than the whole interest of the national debt. Part of this increase can be justified; the expence of annual sessions, the returns of the army, the charge of the post-office, and some other articles; but, after every fair deduction, and every candid allowance, from such an increase, in so short a period, this proposition is established, that you have been ill governed. Part of this increase is owing to the civil list, and the most exceptionable part of the civil list, the pension list. Scarce had the new taxes, on the credit of the expected commerce, been granted, when the commerce was perverted, and the taxes misapplied, granted on an engagement to equalize. Where is your equalization? Like that commerce, vanished. Our eyes about that time beheld with astonishment, in return for new taxes, a new

pension list, which we were not able to pay, nor the minister able to justify; but we have since beheld with much more astonishment, a viceroy complain of that extravagance, and then augment it. We proposed to strike off the obnoxious pensions; we were resisted by that viceroy; we proposed to limit and curtail that pension list, we were resisted by that viceroy; but the secretary, who had contributed to its increase, became the object of his reward. With every respect to the memory of the Duke of Rutland, and without the smallest personal disrespect to Mr. Orde, let me say something in favour of the Marquis of Buckingham, when he resisted; though I can say nothing for him when he acceded to that pension.

I speak of the principal, not of Mr. Orde; a Lord-lieutenant's secretary has no official pretension to an Irish provision; chosen without public confidence, often continued without public advantage, he may retire without public gratitude.

In England they do not usually pension their secretaries. The late Lord Chatham was pensioned, but pensioned for a special service, for conquering France; and if Ireland were the natural enemy of England, some of her secretaries would have like pretensions. This pension was the more improper, because you had raised the salary of the secretary to prevent it. In 1783, you raised the salary of the secretary and the viceroy. Lord Buckingham was a party to that augmentation. Lord Northington, who professed nothing, refused; Lord Buckingham, who was nothing but profession, acceded to it. In his dispatch, which I have seen, he expresses his sense of the merit of the refusal, and his approbation of the increase. His pretence was the magnificence of the office. He has lived to refute the reason by his private economy, to prove that the increase of the viceroy's salary was useless, as, by his public prodigality, he has rendered the increase of the secretary's salary fruitless. This pension was aggravated by another grant to another absentee secretary, the brother of the late viceroy. Sir, the son of the author of the American stamp act, and the doctrine of colonial taxation without representation; the brother of that man who questioned the privileges, and who has since attempted to destroy the integrity of your Parliament; himself the advocate for the propositions, has no right to the best reversion in your country, unconnected with this kingdom by residence, and now only connected by the crimes of his family, and the stigma you have justly imposed upon them!

Sir, this reversion was the more improper, because you had

just paid immoderate compensation to buy home absentee employments; but it seems that a viceroy has over this country certain predatory rights, and having done much public mischief, is entitled to gratify his corrupt affections.

I have stated that the civil list had greatly increased (within five years above 30,000*l.*); but that is not the only increase; the military list has increased much more, since 1784, 100,000*l. per annum.* I know part of this charge is transfer, but I know a great part is not; the late viceroy increased your number of men in place, when you did not want men, and when you did want money. The statement submitted by the late viceroy was fallacious; it set forth that you only increased your military expences 2000*l. per annum*; it set forth that you saved so much by bringing the seconded men into the line. That is not the fact! it set a temporary reduced expence against a perpetual expence incurred. The expence was not avowed, nor the object; the effect has been, more men for the plantations; without discussing or questioning the propriety of such an object, I must observe, that so great an addition in peace to the military expences of the country, makes every unnecessary addition to her civil expences doubly criminal and profligate.

The civil and military charges are not the only ones which have increased; the collection of the revenue has in the course of five years increased, including the post-office, above 100,000*l.* Part of this increase took place under the late viceroy, who, with respect to those charges, may be said to have found them extravagant, and to have declared them to be extravagant, and to have resisted their retrenchment; more, he has increased all these charges, he has added to this extravagance; he has been actively mischievous; he is guilty of economy omitted, of economy resisted, of prodigality added, and of prodigality for corrupt purposes.

In stating the expences of government, I must not omit the police, and charge it to the late viceroy, as well as to the administration who devised it, because perfectly apprised of all its corruptions, he continued it. It seems, the prodigality of the court had reached the docility of the city. An unconstitutional administration wished to continue an unconstitutional protection, an influenced corporation, and a place-army. They knew, that in order to trample on a country, it was not sufficient to corrupt the senate, it was necessary to pollute the great mass of the people; with unconstitutional designs against both, they continued an establishment which should extend beyond these walls the evil of their operation. They saw the extravagance: but then, they saw that ministers, like

themselves, must govern by such arts; and if the conductors of the police could be suspected to have had a design upon their fund, this ministry had a worse design on the corporation; they, therefore, rejected a resolution declaratory of the police's extravagance, and rejected the report of the police committee, under a conviction of its veracity. The report convicts the scheme of prodigality, and the rejection of that report, proves the government to be an accomplice.

The subsequent reductions in the police, in consequence of that report, are a peace-offering to reconcile the public to the minister's object in the police,—an unconstitutional and corrupt influence in the corporation of the city, and a place-army to encourage his accomplices.

I have stated the expences of government to have increased near 200,000*l.* since 1784, exclusive of the bounty; but the increase of expence is the least objection; your race of bankruptcy is much less dangerous than your race of corruption.

I will begin with the increase of patronage in the ordnance, the region of the late viceroy's reformation. The charges now are 600*l.* a-year; the lieutenant-general 800*l.* a-year, with a house for the surveyor; the storekeeper 400*l.*; clerk of the ordnance 400*l.*; clerk of the deliveries 400*l.* These offices he found, surveyor 450*l.*; storekeeper 200*l.*; clerk of the ordnance 300*l.*; clerk of the deliveries 200*l.* But by the King's letter, they were on the death or removal of the officer to be reduced, and in the instance of Lord Drogheda, that reduction had taken place; lieutenant-general to 300*l.*; surveyor 300*l.*; clerk to the ordnance 150*l.*; storekeeper 150*l.* The late viceroy is then chargeable, not only for the prodigality he added, but for the economy he prevented. He is then chargeable with 1500*l.* per annum added to the expence, beside a pension of 600*l.* to General Hale.

We shall hear of a saving, but that saving, supposing it annual and certain, does not arise from the regulation of new expence, and therefore can be no justification thereof; on the contrary, is rendered more precarious thereby; the places are now co-ordinate parliamentary places, a circumstance not a little likely to destroy official subordination, and banish official consideration. The officers of the ordnance will be made, and one already has been made, victims of their votes, not of their negligence; the increase of expence, therefore, is the least objection; the capital objection is, the increase of influence. So many lesser places brought into parliamentary action, and adding a very considerable influence to the minister, at a very considerable expence to the nation; on that most prodigal and profligate principle, which does not wait

for vacancy, nor appoint men to office, but makes the offices for the men, and raises the salary according to their parliamentary pretensions.

I do not enquire whether the late Mr. Ward had any right to complain of the Marquis of Buckingham, but this country had a right to complain of both the officer who made charges which were false, and the viceroy who made the misconduct of the officer a pretence for making charges which were unnecessary. Thus stands the public account against the two defaulters, Ward and Buckingham; so much lost by the peculation of the officer, so much by the jobbing of the viceroy; the public has been injured by both the oppressor and the oppressed.

Sir, the catastrophe of that unhappy man, if it did not excite pity for his fate, should have excited a horror of his offences; it is, therefore, in the ordnance I least expected that the late minister would have indulged any of his peccant tendencies; it is here we should look for, but do not find, the dispassionate judge; it is here we should not look for, and do find, the greedy executioner, catching at the rags of the criminal, and making a victim, where an honest man would have made an example.

To these offices, now made parliamentary, we are to add another parliamentary office, in the revival of the second counsel, to the commissioners; that place was a wretched remnant of a wretched measure, adopted against the sense of this House, for no other object but undue influence. The division of the boards of customs and excise, on account of impracticability, odium, and your interference, was abandoned; the office of second counsel was suffered to linger after it, a corrupt branch of that corrupt measure; the possessor dying in 1778, the then Lord-lieutenant discontinued the office for a public reason; the late Lord-lieutenant revived it for a private one.

To this new office we are loaded with two new commissioners. It should seem that the great reformer of this country discovered our grievances to exist, in a want of a sufficient number of placemen sitting and voting in Parliament. The laws of England exclude the commissioners from sitting in Parliament. The government of Ireland makes men commissioners, because they have seats in Parliament. The laws of England are wise. So long as you suffer the collection of the revenue to be an object of court patronage, so long will it ever be a sink of jobbing, and a source of extravagance; and so long as those employed in collecting the revenue can spare time to attend to this House, and even to approach the

cabinet, so long will the minister be destitute of the pretence of their additional trouble to augment either their number or their salary. You pay 1200*l.* a-year compensation, for suppressing the division of the boards; you pay 2000*l.* for reviving it, and you pay 2000*l.* a-year to a chief commissioner for rendering the whole establishment of seven less necessary or efficient.

I have only alluded to the influence and expence of this measure; but there is an argument against it greatly aggravating both, — the sense of this House repeatedly declared on the subject. There are no less than three resolutions declaring that seven commissioners are sufficient. The first resolution declared that seven commissioners had been found sufficient, and was laid before His Excellency the then Lord-lieutenant. The second resolution declared that this House would refuse its assent to any alteration in the revenue laws, which should tend to give effect to the measure of dividing the boards of excise from that of customs, and of multiplying the number of commissioners, which has been adopted against the sense of the House. The third resolution declares that whoever advised the increase of the commissioners of the revenue beyond seven, advised a measure contrary to the sense of this House. The boards were afterwards united; the additional commissioners stricken off; 600*l.* a-year compensation given; and this reunion was styled by the minister, as a measure acceding to the wishes of the people, and was accompanied with an application for new taxes, which were granted accordingly.

From a measure which does not even promise utility, I come to another which hangs out the flag of idleness; you judge, I mean the appointing two commissioners to the rolls. When that office became vacant, the first idea that should have recurred to a real reformer was, to make it a public use, or its suppression a public saving; and the worst idea that could have occurred was, to continue a sinecure, and multiply the number of the officers: no; it was not the worst; there was a grosser idea yet behind, — to increase the number of the officers, for the purpose of providing for the relatives of the minister who made the increase. Have the crown lawyers been consulted on this business? Have they made a report to His Excellency, that it would further very much the execution of law, if a judicial office was kept a sinecure, provided the commission should be numerous. One of the noble commissioners was pleased to lament the expence to which this country had been put in a grant to me, and a pension to the family of Mr. Burgh: the first I do not think it necessary to defend; as to the second, I own I did not expect to find at the tomb of that illustrious man an occasional resident, weeping, not over the

death of the father, but the provision for the children! Could I, who had seen the money of Ireland squandered to the friends, the followers, the noble parasites of various viceroys, hesitate to snatch from the hand of rapine one portion, and consecrate it to the family of Burgh! The noble lord who repines, will now have ample cause for concern; if he chooses to lament, and one great occupation for ingenuity, if he chooses to defend the various jobs of his noble relation, and he will find none less easy to be defended, than that by which he himself has been appointed.

On the same principle of increasing the influence of the Crown, has the late Lord-lieutenant divided the boards of stamps and accounts. After increasing the charges of the establishments by a variety of jobs, he appropriates a board for the purpose of superintending the public expence, and makes that appointment a violation of its own principle, and one of the great jobs of his government. The board of accounts, when first established, was by many thought useless; to give it the colour of utility, and to reconcile us both to it and to the stamp act, the minister declared in Parliament, that he would annex the collection of the stamps to the board of accounts; and his declaration was followed by the tax, and then carried into execution. Some time after, an annual report being, under an act of Parliament, made and presented to this House by the commissioners of accounts, it was thought proper to advance their salary, for the joint and additional labour. These boards are now divided; five officers of stamps, one with 800*l.*, the rest with 500*l.*; so that you collect the stamps at above 18 *per cent.*, and five commissioners of accounts, who retain 800*l.*, the joint consideration for the divided labour.

With every respect to the commissioners, however disposed to economy, they have it not in their power to be of any great advantage; they may examine vouchers; they may control tradesmen; but the great political jobber, the minister, they cannot touch him; they must follow the profusion of the minister; they cannot check it. If you are in earnest on the subject of economy, appoint commissioners who are not to be members of Parliament; and let this House itself become a committee of reduction; and its first report shall be against Lord Buckingham, and particularly the division of stamps from accounts.

I have mentioned some of the new charges of the late minister, exceptionable from the growth of expence and much more exceptionable from the growth of patronage. In the last session we called for a return of all offices created since

1769, and now in the possession of members of Parliament; from that return, and from the perusal of your establishments, you will find that, in the course of twenty-one years, the increase of such new offices now possessed by members, has been not less, if not more, than the number of all your counties. Thus, in the course of twenty-one years you have introduced an innovation, which must produce a very considerable change in the balance of the constitution; you have introduced, silently and insensibly, a parliamentary reform; but a reform on very different principles from those of the public; a parliamentary reform increasing in the House of Commons the representatives of the minister, and diminishing the representatives of the people.

The measures I complain of are not only a dangerous increase of ministerial influence; they are an open breach of public faith. The pension to a late secretary, was a breach of an engagement understood at the time when the salary of the secretary was increased: the grant of the reversion to another absentee secretary is a breach of another engagement, understood, at a time when great compensations were made to buy home absentee employments; the increase of the salaries of the ordnance, in breach of the King's letter of 1765, enjoining a diminution of the salary; the division of the stamps and accounts, is a breach of a public promise made in this House when the stamp act was propounded; and the division of the boards of customs and excise, and the multiplication of the commissioners, is a breach of another solemn engagement made in this House, as a peace offering, when various new taxes were proposed, and assented to. Thus, the late minister has not only broken his own engagements of economy, but the solemn promises of his predecessors, and has exposed the government to the charge of keeping every corrupt compact with the individual, and breaking every honourable engagement with the public.

Sir, the evils which have taken place, lead me to consider the resistance to the bills that would have prevented them; a pension bill and a place bill. The former was resisted the last session, because, as they on the part of government said, it was unnecessary; at that time they made it indispensable, held it up in traffic, had it at market, a resort against popular and constitutional measures, the prince, the nobles, and the people. It was resisted on another pretence, because it legalized so great a sum as 80,000*l.* at the very time the minister objected to a pension bill; because it legalized 80,000*l.* they made the pension list above 100,000*l.* It was resisted on another pretence, because it gave a latitude for the royal family; and at that

time they granted a pension of 4000*l.* to the Duke of Gloucester.

They resisted a place bill under similar circumstances. At the time of their resistance, they were dividing boards, splitting sinecures, and multiplying offices; at one and the same time resisting the bill by their influence, and making it necessary by their transgressions. It was not an error in judgment, nor a knotty doubt on a puzzled point of speculation: no; it was a perfect conviction on the part of the ministers of the utility of such a measure, and a decided determination to commit the corruptions those bills would guard against; they were resisted by His Majesty's minister, with malice prepense against the community. My friend, who failed, urged these bills with the arguments of a provident senator; but the minister is a thunderbolt in their favour. He is that public malefactor, who calls out for penal laws, by the authority of the crimes in which he participates: "the evils against which you hesitate to provide, I am committing: I am creating places, and multiplying pensions; and I am so doing, for the reasons you doubt, corruption!" These are not his words; no; but they are the words of his offences.

Perhaps these offences may admonish you to your safety; perhaps the conduct of the late viceroy was a crisis in the public disorder to mature the public remedy; as the specific owes its discovery to the disease; perhaps a code of wholesome law may owe its birth to the Marquis of Buckingham; perhaps some patriot government, on the ruins of his inane regulations in the reascending scale of liberty, may assent to constitutional measures; a place bill, a pension bill, and others, and so give relief to an injured community. Had it been one place, some solitary reason might be advanced, some solitary friend might put forward some solitary pretence; but here is a host of them: crime throws light on crime, and they give testimony against one another: they amount to a project of corrupt government, apparent on the face of the measure. They betray! betray! do I say: why, the crime is not concealed; never was a proceeding more public; the evil was real, and in every corner of the capital you discovered suspicious groupes of political figures, tampering with the representatives of the people: in the mean time, public business stopped; no education bill, no barren land bill; there was on the part of the minister, a prohibition of public business, and a sale of public measures; this system of corruption has been aided by a system of coercion, and men have been dismissed. Why were they dismissed? Not for questioning the privileges of parliament, like the late viceroy; not

for acting in defiance of its resolution, like the late viceroy; not for filling the populace with empty hopes, like that viceroy; not for feeding their friends on pretended public reformations, like that viceroy; the minister will explain some of the dimissals!

But there are some penal measures; why defy explanation? Why deprive the pensioner, who got his pension with the approbation of government; as compensation for office extinguished? Is compensation to be considered as a bribe for a vote? Why deprive the pensioner who got his pension to support hereditary honours? Is the prop of honour to be considered a bribe? Why deprive the pensioner who got his pension on the address of one of the Houses of Parliament, is that to be considered as a bribe? Are the nobility of this country to be subject to a letter missive, or a message from a clerk or runner, desiring that they will attend in their place, and vote to blemish their blood, and save their pension? Such has been the conduct of your reformer. This was the man; you remember his entry into the capital; trampling on the hearse of the Duke of Rutland, and seated in a triumphal car, drawn by public credulity; on one side fallacious hope, and on the other many-mouthed profession; a figure with two faces, one turned to the treasury, and the other presented to the people; and with a double tongue, speaking contradictory languages.

This minister alights; justice looks up to him with empty hopes, and peculation faints with idle alarms: he finds the city a prey to an unconstitutional police; he continues it: he finds the country over-burthened with a shameful pension list; he increases it: he finds the House of Commons swarming with placemen; he multiplies them: he finds the salary of the secretary increased to prevent a pension; he grants a pension; he finds the kingdom drained by absentee employments, and by compensations to buy them home; he gives the best reversion in the country to an absentee, — his brother! He finds the government, at different times, had disgraced itself by creating sinecures, to gratify corrupt affection; he makes two commissioners of the rolls, and gives one of them to another brother: he finds the second council to the commissioners put down, because useless; he revives it: he finds the boards of accounts and stamps annexed by public compact; he divides them: he finds the boards of customs and excise united by public compact; he divides them: he finds three resolutions, declaring that seven commissioners are sufficient; he makes nine: he finds the country has suffered by some peculations in the ordnance; he increases the salaries of officers, and gives the places to members — members of Parliament!

What will you say now, when the viceroy shakes hands with the populace, and enfeoffs himself to the lowest popularity? He should not proceed on the principles of Punic faith, or of Parthian flight. To retain the affections of the public on negative terms, is difficult; but to attach them by injuries, to annex the delusion of the public to his person, and the plunder of the country to his family, is a monster in the history of ambition!

What shall we say to the public peculator? for he will triumph, and he will calculate, and he will set up the innocence of little peculations, against the crimes of affected, and teazing, and little regulation.

What shall we say to the people? They looked for relief, because they were oppressed; and looked to Lord Buckingham for relief, because they were deceived; it is to relieve them, I wish to direct the attention of this session.

Sir, the prodigality of honours, places, and pensions, by the present ministers of the crown, was held to be so criminal, as to render the ordinary provisions in Great Britain insufficient, and extraordinary and unconstitutional restrictions admissible to disparage the second personage in these dominions: some of those ministers having committed in Ireland, in this particular, excesses far beyond those which falsehood presumed to prophecy; what measure of restraint shall they find? Show them a justice which they refused to the son of their prince, and only resort to constitutional provisions, such as may abolish these grievances, and guard the country against the danger of a repetition.

The Chancellor of the Exchequer (Sir J. Parnell) and Mr. Corry defended the administration of the Marquis of Buckingham. Mr. George Ponsonby, Mr. Curran, Mr. W. Ponsonby, and Mr. Egan, censured his conduct, and expressed their hopes that his successor would avoid his example, and abandon such a system of government. The address was then agreed to. Mr. Dillon reported from the committee the address to the Lord-lieutenant, as follows:

"The humble address of the knights, citizens, and burgesses, in Parliament assembled.

"May it please Your Excellency,

"We, His Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, beg leave to offer to Your Excellency our cordial thanks for your most excellent speech from the throne, and to congratulate Your Excellency upon your appointment to the government of this kingdom, at a time when we are in full enjoyment of the blessings of peace, and the inestimable advantages of a free constitution.

"Your Excellency does justice to our sentiments, in believing

that our present happy situation will induce us to persevere in the maintenance of good government, and adhere to that system of policy which has firmly secured the public tranquillity, and has increased the wealth and credit of the nation.

"We return Your Excellency our acknowledgments for ordering the public accounts to be laid before us, and shall cheerfully make such provisions as the interests of the state and the honour of His Majesty's government may require.

"While Your Excellency is pleased to anticipate our zeal for whatever may promote the commerce, and encourage the industry of Ireland, we should ill requite your early discernment of our peculiar interests, if we should not direct our especial attention to the agriculture and linen manufacture, to the institutions of charter and other Protestant schools, and to the maintenance and improvement of those laws from which this kingdom has already derived such material advantages.

"We are highly flattered by Your Excellency's warm professions of zeal and attention to promote our happiness and welfare; and, from Your Excellency's amiable virtues and integrity, we entertain not the slightest doubt of their genuine sincerity. It will be our wish, as it is our duty, to co-operate with Your Excellency in promoting these important ends. Animated by the same spirit, and united for the attainment of the same objects, — the honour of our sovereign, and the happiness of his people, we shall study to secure Your Excellency's confidence, by forwarding such measures as may contribute to the credit of your government, and advance the interests of Ireland."

The address was agreed to.

ALTERATIONS IN THE GALLERY OF THE HOUSE OF COMMONS.

VOTE OF THANKS TO THE SPEAKER.

January 26. 1790.

ON this day Mr. Arthur Browne made his promised motion. He stated that, under the directions of the Speaker, considerable alterations had been made in the gallery of the House. The space was much narrowed; nearly one-half of the auditors were deprived of accommodation. The students of the university were restricted of their ancient privilege of admission in their academic dress, and denied admittance until the Speaker had taken the chair, when by that time the gallery was filled with other persons. The alterations had likewise destroyed the beauty and symmetry of the house. He concluded by moving the following resolution: "That the late alterations in the gallery

of this House having been found inadequate and repugnant to the purposes of further improvement and convenience, it is expedient to restore it to its ancient form."

This was supported by Mr. Curran, and opposed by the Attorney-general (Fitzgibbon), Mr. Burton Conyngham, Mr. Conolly, and Mr. Denis Browne. They defended the conduct of the Speaker, and pressed Mr. Browne to withdraw his resolution. The Speaker (Mr. Foster) expressed his wish that the motion should not be withdrawn, as he would be placed in an awkward predicament, some persons approving, and others condemning his conduct. With respect to the gentlemen of the university, he was anxious to have the direction of the House on that subject. As to the gallery set apart behind the chair, it merely differed from the other in this respect, that here every member who introduced a friend must first mention his intention to the Speaker, and this form was necessary in order to preserve it for a more select description of persons.

The question was then put, and negatived without a division; when Mr. Pery then moved, "That the thanks of this House be given to the Speaker for the alterations which had been made in the gallery and the avenues leading to this House, adopted by him in pursuance of the desire of this House."

This was opposed by Mr. Curran, Mr. A. Browne, and Mr. Charles O'Neill. They objected to the indecent hurry with which this motion was made. The House was taken by surprise, and it was made a party question.

Mr. GRATTAN said: It grieves me to be obliged to oppose this address of thanks to the Speaker, pressed on with so much precipitation, and suggested with so much temerity, when many, and some of the most respectable members are absent, who certainly did not know of this address of thanks, and you must know, would not concur in it. It is a surreptitious way, not of thanking but of screening the chair, by the interposition of the minister. This, Sir, in fact, is no address of thanks to you; it is a parliamentary approbation of the unpopular and courtly alterations which have taken place in the gallery, without your intention or knowledge, I must suppose, but very much to the gratification, it now seems, of the ministers of the Crown. This address bespeaks not our approbation of your conduct, but of the alterations in the gallery, whereby the public has been put to a considerable expence for their own exclusion, whereby an eighth of the gallery appears most injuriously and falsely, I must suppose, but does appear, to be monopolized by the Speaker, to accommodate the ladies and gentlemen of the Castle. It appears to convey our entire approbation of that regulation, understood, I must now suppose erroneously, to exclude the gentlemen of the university; no, not to exclude them, but to make admis-

sion so very troublesome, as to worry them out of the vain desire of coming to this House. It appears to approve of surrounding this House with police guards; a thing as little known in England, as accommodating the ladies of the bed-chamber with a portion of the gallery, by the authority of the Speaker.

But, Sir, this address is the more improper, because it does not only connect you with these regulations; it connects both with the court; it makes it seem, most unjustly I must suppose, as if all these things were with a communication with the ministers, and as if the Speaker was thanked by the administration for what he has done in concert with them; it brings these alterations home to the court, and puts you under its wings, and, therefore, is a most improper and injudicious suggestion, as if there had been a dark communication between the minister and the chair, for the purpose of making the gallery less commodious to the public; because, though it confers the approbation of a certain quarter, it may be so construed as to bespeak the connection of both with the court.

The address of thanks is the greatest possible injury to you, because, coming from the administration and their measure, it tends to establish that very charge which is erroneously entertained, that these alterations are court measures, and that in approving of you in these particulars, they only approve of their suggestions.

Sir, no suspicion could be more prejudicial to your high situation than such a surmise; nor could any thing tend more to excite such a suspicion, than the ominous support which you have unfortunately received this night, on a business in which administration cannot interfere with you, without a crime, nor you communicate without duplicity and degradation. You are more concerned in combating this address, than any man in this House.

I am ashamed to vote against you, even counted as you are with all these novelties, which may have crept into the House without your approbation, and which, I make no doubt, you would soon, perhaps, of yourself reform. I am ashamed to vote against you; it is impossible on this ground to vote for you; therefore, I will retire. I would vote with government for any thing reasonable in your favour, but this is too strong. I must leave it, therefore, to the administration.

Mr. Grattan then immediately retired, followed by his friends, and

The question was then put on Mr. Pery's motion, and carried unanimously, there being but about ten members on the opposition side of the House.

ADDITIONAL COMMISSIONERS OF REVENUE.

MR. GRATTAN MOVES AN ADDRESS TO HIS MAJESTY REGARDING THE APPOINTMENT OF THE NEW COMMISSIONERS.

February 1. 1790.

MR. GRATTAN desired the clerk to read from the journals several resolutions, viz.:

"*A. D.* 1771. *Journals*, vol. xv. p. 117.

"Saturday, November 16. — A motion was made, and the question put, "That it be resolved that seven commissioners of the revenue have been found a sufficient number to execute the business of the revenue board in this kingdom."

"An amendment was proposed, by inserting, after the word "resolved," the words, "that evidence has been laid before this House to prove." The amendment was carried *nem. con.*

"The question on the amended resolution being put, the House divided; — Ayes 129, Noes 83. Tellers for the Ayes, Sir James Cotter and Mr. Gorges; tellers for the Noes, Mr. Thomas Butler and Mr. Edward Tighe. It was carried in the affirmative."

"*A. D.* 1771. *Tuesday, November* 19. Vol. xv. p. 124.

"A resolution of last Saturday, that evidence has been laid before this House to show that seven commissioners of the revenue have been found a sufficient number to execute the business of the revenue board in this kingdom.

"A motion was made, "That the House, with the Speaker, do attend His Excellency the Lord-lieutenant with said resolution, and lay the same before His Excellency, as the sense of this House." The House divided; — Ayes 123, Noes 101. Tellers for the Ayes, Right Honourable Mr. Brownlow and Mr. G. Montgomery; tellers for the Noes, Mr. T. Butler and Mr. Foster. It was carried in the affirmative."

"*A. D.* 1772. *Tuesday, February* 2. Vol. xv. p. 229.

"A motion was made, and the question put, "That it be resolved that this House will refuse their consent to any alteration of the revenue laws of this kingdom, which shall tend to give effect to the measure of dividing the board of excise from that of customs, and of multiplying commissioners of the revenue, which hath been adopted in contradiction to the sense of this House, conveyed in the resolutions of the 16th and 19th of November last."

"An amendment was proposed, by inserting, after the word "kingdom," the following words, "however beneficial such alteration may appear to be for the improvement of the public revenue."

"On the question upon the amendment, the House divided; — Ayes 107, Noes 117. Tellers for the Ayes, Sir Thomas Butler and Mr. Mason; tellers for the Noes, Mr Henry Flood and the Honourable Barry Barry. It then passed in the negative.

"Then the main question being put, the House divided; — Ayes 119, Noes 107. Tellers for the Ayes, Mr. Henry Flood and the Honourable Barry Barry; tellers for the Noes, Sir Thomas Butler and Mr. Mason."

"*A. D.* 1772. *Wednesday, February* 19. Vol. xv. p. 124.

"A motion was made, and the resolution proposed, "That it be resolved, that whoever advised carrying into execution the increase of the commissioners of the revenue beyond seven, after the resolutions of the 16th and 19th of November last, advised a measure contrary to the sense of the House conveyed therein."

"The King's letters for appointing the commissioners of excise and of customs were, upon motion, read, and also the letters patent in pursuance of said letters.

"An amendment was proposed, by inserting, after the word "last," the words, "which resolution was subsequent to the date of His Majesty's letters for appointing said commissioners, agreeable to the several acts of Parliament empowering him so to do."

"An amendment was proposed to said amendment, by adding thereto the words following, "But prior to the carrying into execution, by letters patent under the great seal, His Majesty's intention expressed in His Majesty's letters."

The question being put, "That these words stand part of the amendment," it was carried in the affirmative.

"Then the question being put, "That the amendment stand part of the resolution," it was carried in the affirmative.

"On the main question, the House divided; — Ayes 106, Noes 106. Tellers for the Ayes, Sir J. L. Cotter and Mr. Hussey; tellers for the Noes, Mr. Solicitor-general and Mr. Mason. The Speaker declared for the Ayes. It was consequently carried in the affirmative."

After they were read, Mr. Grattan moved; "That the letter from the lords justices to the commissioners of the revenue, containing Lord Buckingham's instructions for regulating the conduct of their boards, be read."

The letter imports, "That His Majesty being apprised of the very great increase of the business of the revenue, and that very great delays had unavoidably taken place, to the hindrance of trade, and injury of the merchant, — and conceiving that these inconveniences arose from there being but seven commissioners, had been pleased to add two more." The letter then goes on to direct, "That they shall sit at two tables in the same room, with the secretary of excise attending one, and of customs attending the other; by which means the port and inland business may go on together without interruption." The letter also takes notice of the delay which had arisen to the subject, for want of a sufficient number of commissioners to preside at revenue trials, and directs the manner in which such trials shall in future be conducted.

Mr. Grattan said: We combat a project to govern this country by corruption; it is not like the supremacy of the British Parliament, — a thunderbolt; nor like the twenty pro-

positions, a mine of artifice; but without the force of the one, or the fraud of the other, will answer all the purposes of both.

I have read books on the subject of government; I have read books on the subject of British government; I have heard of the different principles or foundations of authority; the patriarchal right, the martial right, the conventual rights of kings, the sacred rights of the people. I have heard of different principles, applicable to different forms of government, — virtue to a republic, honour to a monarchy; but the principles of our ministry, or rather, indeed, their policy, which is a dissolution of all principles, can only be read in the ruin of the nation! You have too lately recovered your liberties, not to know wherein exists their virtue; it is not merely in the laws; these the lawyers may pervert to the jargon of slavery; these the lawyers may explain away; they did so in England; they did so in the case of arbitrary arrests of members of Parliament; in the case of ship-money; they did so in Ireland; they did so in the case of embargoes, without authority from Parliament; in the case of the British supremacy, and in the case of the regency; for great lawyers, on constitutional questions, have given not legal, but political opinions, in favour of their great and mighty client, the Crown. But if you attend to them, you may sit in that chair, the mace before you, the clerks at your feet, the members all round, and the serjeant of arms at your back, and yet not be a Parliament; for you will want the spirit and energy of a Parliament. No; it is the vital spirit that inspires, the independency that actuates; this principle of independency, which is implied in your constitution, is registered in your laws, past in England in the time of William; they were conceived to guard the rights of the electors against the influence of the revenue, and the purity of the elected against the inundation of the treasury; they were conceived to preserve the popular balance of the constitution, and to form a sort of fence or barrier against those rank majorities, which not seldom swarm from the hive of the treasury, and blacken the seats of the senate; and yet these were feeble laws. Lord Bolingbroke complains of them; he expostulates with the framers of the Revolution; they had, says he, guarded liberty against open force; they had secured her against the assaults of prerogative, but not against a secret enemy, against clandestine influence; here she was left naked; this was her vulnerable part. Parliamentary integrity is your palladium, with it "You need not fear the force of any enemy; no Agamemnon, no Ulysses can invade you; without it, Thersites himself will be sufficient for the purpose."

Had he seen our policy, what had he said,— a minister like the last, forming his faction, and prolonging his government by the mere arts of bribery and corruption, or rather, indeed, by bribery and corruption, without any art whatsoever; then had his Lordship exclaimed, "Thersites himself is sufficient for the purpose!"

Mr. Locke, who established and rooted the Revolution in the minds of the English, maintains, that an attempt on the part of the executive power to corrupt the legislature, is a breach of trust, which, if carried into system, is one of the causes of a dissolution of the government. "The executive," says he, "acts contrary to its trusts, when it uses the force, the treasure, or the offices of the society to corrupt the representatives, and to gain them over to its purpose. To prepare such an assembly, and to endeavour to set them up as the real representatives of the people, and the law-makers of the society, is surely as great a breach of trust, and as perfect a declaration of a design to subvert the government, as can possibly be;" to which, if we add rewards and punishments, visibly employed to the same end, what had Mr. Locke thought of your policy? A set of men possessing themselves of civil, military, and ecclesiastical authority, and using it with a fixed and malignant intention to corrupt the morals of the people, in order to undermine the freedom of the community, and to make the nation individually base, in order to make her collectively contemptible. How soon must such proceedings accomplish the prediction of Montesquieu, who says, that when the legislative is as corrupt as the executive, (as corrupt, for more is scarcely possible) then there is an end of the constitution.

Blackstone having summed up the array of court influence, stops to tremble at it. "Surely this never could have been the design of our patriot ancestors, who abolished the formidable parts of the prerogative, and by an unaccountable way of foresight, established this system in their place!" He concludes with a pious wish, that this influence may be diminished, and with a parental admonition to the youths of England, to guard their country against that monster, which, in the hands of the present government, shakes this realm; the servile and corrupt influence of the minister. The late Lord Chatham, bending over the corrupt decline of England, confesses this influence. Give her a more popular representation; pour in, a new portion of health, to enable her to sustain her infirmities; pour in, a new portion of poison, says the Irish minister, that she may sink under the accumulation of her infirmities. This danger of extravagant influence, the Commons of England have con-

fessed. Exasperated by defeat, exhausted by war, the effect of twelve years implicit compliance under that very influence, they at last proclaim, "It is true, the influence of the Crown is too much; it ought to be diminished." Here I shall be stopped, and told that the fact has falsified the prophecy, and that the constitution of England has stood; but let us not therefore infer, that it is not much impaired, nor confound the slow decline of a state with the rapid mortality of a man, nor forget what mortal symptoms she has given, both when the people, as in 1769, appealed to the Crown against their Parliament, and when the Crown, as in 1783, appealed against Parliament to the people. Let them further recollect, that the constitution of Great Britain has been, from time to time, shocked back to her original principle, by a number of acts, some of which I have referred to; acts which disable the Crown from splitting commissions to multiply placemen; acts which disqualify all persons holding offices created since a certain period from sitting in Parliament; acts which disable all commissioners of customs, of excise, stamps, collectors; in short, the whole tribe of the revenue from sitting in Parliament; acts which disqualify all pensioners during pleasure, from sitting in Parliament; all pensioners during years, from sitting in Parliament; acts which disable the Crown from exceeding a certain sum in grants of pensions; acts which disqualify from voting at elections the whole tribe of the revenue. Let them further recollect, that there are in England certain counteracting causes; and first, the majesty of the people, a great, authoritative, and imperious public; their voice interferes; their instructions overawe, not the deliberations of the body, but frequently the deliberations of that individual of the body that hesitates between his vote and his venality. Let them recollect that there is in England such a thing as responsibility; the public malefactor there cannot always retire from public mischief to triumphant impunity. Let them recollect further, that in England there is a check in great connections, formed on a great public creed; party founded on principle, supported by ambition, cemented by honour, and exalting the component parts above the dominion of salary, and the impulse of famine, political famine, of too many in this country the epidemic disease. This has served as a secondary cause of public safety; and whether you call it a higher order of infirmity, or a lower order of virtue, has helped to preserve the life, or to prolong the *euthanasia* of the British constitution; how far all these causes actually at this time flourish in England, I shall not pretend to decide; but I fear they do not exist, or are in danger of being lost in Ireland: first contem-

plate your state, and then consider your danger. Above two-thirds of the returns to this House are private property; of those returns, many actually this moment, sold to the minister; the number of placemen and pensioners sitting in this House equal near one-half of the whole efficient body; the increase of that number within these last twenty years greater than all the counties in Ireland. The bills that do exist in England, and should have shocked you back to your original principles, and are necessary to purge the public weal, and to defend you not only against the minister, but yourselves, —a pension bill, a place bill, and others, are systematically resisted. The corruptions these laws would guard against, in a most extraordinary manner resorted to by the present ministers of the crown, and not only resorted to, but made the sole instrument of their government. The laws which depart from the first principles of the constitution, excise, riot act, police bill, readily adopted, and obstinately maintained; the counteracting clauses, the responsibility of the minister, a shadow; the majesty of the people, like the constitution, frittered out of your court. Some of the populace had gone too far; the court availed itself of popular excesses, to cry down constitutional principles; they began with a contempt of popularity, they poceeded to a contempt of fame, and they now vibrate on the last string, a contempt of virtue; and yet these were checks not only in a constitutional public, but in certain connections; these generally supported the minister, and occasionally checked his enormities. Against this refuge, against the power of the Irish community in general, and this force in particular, is the present policy directed; it is a policy which would govern this country by salary distinct from power, or by power distinct from responsibility, no sturdy tribunes of a constitutional public, no check in an independent nobility.

The runner, the scribe, the stipendiary, the political adventurer; or where the confidential list ascends, men amiable in their manners, and in their private life not only amiable, but even respectable; but men who have no public mind; men somewhat too ready to support any government; men whose characteristic it is to stand by any government, even though that government should stand against Ireland; men who have been, not only the supporters of the minister's power, but the instruments of his passion, his violence, his venality, and his revenge.

The advocates for undue influence, who have appeared in England, have admitted it to be a defect, but a defect that would mix with the constitution. The ministers of Ireland have made that defect the only engine of their government;

our ministers have picked up from the British constitution nothing but the most corrupt part of her practice, and that they have carried into the most daring excesses. No constitutional bills to heal; no popular bills to pacify. The currency, the pure poison unmixed, unquenched, unqualified; or if qualified, tempered only with revenge." On this principle did the ministers take into their venal and vindictive hand the table of proscriptions; on this principle did they remove, not because the place was unnecessary — they have made unnecessary offices; on this principle did they deprive, not because the pension-list was overburdened — they have augmented that list; but because the placemen so removed, and the pensioners so deprived, had voted against the will of the minister, in questions wherein that minister was pronounced to be unconstitutional, and convicted to be corrupt. On the same principle did the ministry try the paltry arts of division, holding out the aristocracy to the people as the old accomplice of the minister, and to the country gentlemen, as the monopolizers of emolument; as if by the spoil of the aristocracy the minister could bribe away the independency of the country gentlemen, and rob the people of that small, but respectable support, and sink that body into the herd of the Castle. On the same principle did the minister attack the dignity of the peerage, by the sale of honours, and the dignity of this House by the application of the money to purchase for the servants of the Castle seats in the assembly of the people; on the same principle did they attack the purity of this House by the multiplication of office, and division of establishment.

I will not say the ministers went into the open streets with cockades in their hats, and drums in their hands; but I do say, they were as public, and had as openly broken terms with decorum, as if they had so paraded in College-green, with their business lettered on their forehead.

Such has been their practice; and such practice has been defended! Merciful Heaven! defended! We have been taught to believe the Irish viceroy is not to be affected in his situation by the sense of the people of this country. The English minister stands in a different situation with respect to his own. We have been told, that he has been an excellent governor — a friend to this country; that he would defend it from a destructive cabal, who are leagued together for their own selfish purposes; and to do this, it is contended, that he should resort to the treasury to buy the people with their own money. We have been taught to believe, that in order to keep his station, the Irish viceroy may resort to any measures; and that having lost the support of Parliament by offences, he may

strive to regain it by corruption; and this doctrine has been extended to the case of a viceroy leaving the government, and employing those moments to gratify his corrupt affection, or to extend his corrupt influence; and the deputy so employed, with his accomplices, have been called the government; and those who would shield the country from such a dark and desperate cabal, have been called a faction; and on this principle it was that the ministry resisted a pension bill, and a place bill, contending for in precept, and committing in practice, all the corruption those bills would guard against. They have laid on us an establishment of very extensive corruption; they contend for in argument the indefinite power of corrupting; that if constitutional and popular questions, such as the regency address, the pension and place bills, the repeal of the police bill, should occur, and find support in the united strength of the nobles and people, in such a case the servants of the Castle should have a power, under colour of new offices, to resort to the treasury, to rob the people, in order to buy the gentry to sell the community, and so defeat popular and constitutional bills by bribery and corruption.

Such a policy and principle, I will not call criminal; I will not call it repugnant to the doctrines of all the great authors that ever wrote on government; but it is that very policy, and that very principle, which all of them have pronounced to be the destruction of liberty, and one in particular, such a crime as to amount to a breach of trust, tending towards a dissolution of the state. Never were the excesses of the mobs of 1783 and 1784 more condemned by the Castle, than this Castle principle and practice are condemned by every respectable authority that ever wrote on government; nor were those excesses of the mob against law, in point of danger, to be compared to those excesses of the court; in reference to these they were trifling offences. You then told the populace they jostled Parliament, and attacked the laws. They will now reply to you in your own language: You have jostled Parliament, for you have questioned its privileges, and defied its resolutions. You have attacked the law, for you have attacked the law-maker, and therefore have attempted to poison the source of the law; and whatever advantage that assassin, who takes off by poison, has over that other assassin, who takes off by the dagger, such, and such only, in their present policy, have the ministers of the Crown over the dregs of the people. Thus, some of the people may retaliate upon our court; I will only say this, that if their principles had existed at a former period, the great events from which these islands derive their liberty could not have taken place; and if their principles

prevail and propagate, the blessings which this island derives from those events must be the victim.

Sir, gentlemen have called on us to specify the charges against the administration — we will specify, and begin with the appointment of two additional commissioners. Sir, this measure posts itself on ground uncommonly hollow and defective; against it there are three resolutions of this House, and those resolutions have three aspects: 1st, That seven commissioners were sufficient. 2dly, That the House will not assent to render practicable the multiplication of the number, or the division of the boards. 3dly, That they who advised the increase of the number and the division, advised a measure against the sense of the House. After this, it was necessary that some great and solid inconvenience should be felt; that the people should generally acknowledge the insufficiency of the old number of commissioners; that the commissioners themselves should report the difficulty to government; and that government should lay the whole before this House, before such a measure as this should be resorted to. On the contrary, no such complaint, no such report, and no such reference have existed; and this no complaint, and this no report, and this no reference, is a proof that government knew that the cause assigned was a vile pretence; too flimsy to be stated, and too ludicrous to be discussed.

A further argument, that additional trouble was the pretence, not the motive, will be found in the direction of the choice of the minister to members of Parliament; so that the two tables of commissioners, who have hardly time, it seems, to do the business of the revenue, can, however, sit every day in this House to do the business of the minister; and it is a further proof of the insincerity of this pretence, that if the minister was to employ none but members of parliament, there were two other persons, extinct commissioners, who now receive each a pension of 600*l.* compensation, capable surely of discharging the business of the revenue, if the business of the revenue, and not the influence of the minister had been the object. It is a further refutation of this pretence, that the public complaint was not the delay of the commissioners, but the great balances in the hands of the collectors, which this appointment does not go to prevent; and also the great expence in the collection of the revenue, which this new appointment goes to increase.

Sir, the argument urged in support of this measure, is decisive against it. It is urged, your taxes have increased; but this argument would seem a sarcasm, as if the bounty of

the nation was to be made a means of influence, and an instrument of destruction; but the case is stronger; part of these taxes have their specific officers, as post-office and stamps; part of these taxes are additional, on the same old subject matter of tax, and can be collected at the same time, and with equal ease. The case is still stronger; a principal part of these taxes were granted on an express public stipulation, that the boards of customs and excise should be united, and the number of commissioners reduced to seven. It was in 1773, when the minister wanted new taxes, and also a tontine; there were great grievances on the part of the country, and great wants on the part of government. The minister proposed to redress that grievance, which was the most prodigal and profligate — the division of the boards of customs and excise; this was the public stipulation. "The biennial excess is above 170,000*l.*, give us taxes to equalize; give us 265,000*l.* tontine, including the arrear of a fifth half year, and we, on our part, entitle ourselves to such confidence, by uniting the boards, and reducing the number of commissioners; and further, to make the new taxes as cheap as possible in the collection, to prevent their being the cause of new salaries, we agree that the the stamp tax which we propose, shall be collected by the commissioners of the board of accounts, without any new salary. The reduced commissioners must get a compensation; but that will only be a temporary charge."

Such was the public statement, and such the compact. The minister now retains the tax, and withdraws the consideration. He revives the obnoxious measure in part, and he lays the foundation of a revival *in toto*. The boards will be hereafter completely divided, because there are so many commissioners; and then the minister will order three more commissioners, because the boards are divided.

There is another circumstance which has taken place since the resolutions to which I refer, which is decisive against the measure: by your money bill, all customs inwards are liable to five per cent. which is collected by the laws of excise; it follows, that all the officers of the custom department who collect these duties must have commissions, empowering them to search for exciseable goods; it follows that they must have commissions both from the commissioners of customs and excise; it follows that the power of the commissioners of excise and customs are now rendered indivisible by your own laws, otherwise there must be two distinct boards with equal jurisdiction, presiding over one and the same set of officers; but when the excise laws are to be extended, then it seems

the business is rendered inseparable; when undue influence is to be extended, then the business is made separate.

These arguments are strong against this measure, but the strongest argument of all is, the Lord-lieutenant's letter recommending it. In stating this letter, if I seem to depart from the gravity of the subject, let it not be imputed to my levity, but to the letter's absurdity. It states delay and trouble, and it offers a remedy; it states that the patent has appointed nine commissioners, four commissioners of customs only, two commissioners of excise only, and three commissioners of both; it orders that these nine commissioners shall remain in one room, but divide themselves, and sit at different tables, with their respective secretaries, and do the business of excise and customs at one and the same moment, in one and the same apartment.

The commissioners of customs only are to sit at their table, for the conduct of the port business; the commissioners of excise only are to sit at their table, for the conduct of the inland business, proceeding at the same time, and in the same room, and the commissioners of excise and customs may apply themselves to either as they shall think proper; that is, they are placed in a situation in which they must interrupt one another, and are under a physical impossibility of doing business. Two courts are placed in a situation in which it is impossible to attend to themselves, and some of the judges are left free to attend to either or both. Suppose the Court of Exchequer was to divide itself into two courts, sitting in the same chamber, and proceeding, one on the business of equity, the other of law, at one and the same moment, with a floating privilege to one or more barons to attend to either. This letter of the Marquis having thus disposed of the port and inland business, by putting it in a state of interruption and confusion, proceeds to regulate trials, and orders that trials may go on in another chamber, under the cognizance of a sufficient number of commissioners of excise, while, at the same moment, the other commissioners shall go on, at their separate tables, with the business of the port and inland; so that in the words of the letter, in future, instead of only one business being carried on at a time by this new arrangement, the port and inland business, and trial, may go on all at once, without interfering or interrupting one another. Can we possibly imagine that the public, of whose satisfaction the letter speaks, can be satisfied in a species of institution, which superintends near 1,500,000*l.*, under a physical impossibility of doing public justice? Can you persuade the public, of whose satisfaction this letter speaks, to be satisfied in a regula-

tion which draws off part of the commissioners of excise from the trial of their property, under laws that require and puzzle the whole force of all the understanding of all of those who compose that most absolute board? Can you imagine, I say, that the public will receive satisfaction from a regulation, the virtues of which rest on that paradoxical perfection, that supernatural domination, supposed to be possessed by the commissioners, of shutting their ears to one subject which is discussed before them, and confining the whole force of their understanding to another? But there is not only a physical ignorance in the letter of instructions, there is also an official confusion; the officers of the ports, perhaps, not less than 1500, have commissions, both from the commissioners of excise and customs, and are, it follows, controlable by both. Here, then, are two tables of equal and co-ordinate jurisdiction presiding over one and the same set of officers. Suppose the commissioners of customs think proper to dismiss an officer — they now have a right; suppose the commissioners of excise think proper to continue the same officer — they now have a right; suppose the table of excise, to stop smuggling, orders a cruiser to Cork; suppose the table of customs order him, at the same time, instantly to Derry. But there is another mischief in this letter of instruction, the commissioners of excise are responsible for the whole excise, and they are, in cases of improper and illegal seizure, liable to damages; all import excise is collected by port officers, and all their correspondence is in the department of the secretary of the other table, — the board of customs. Thus, by the new regulation, the commissioners of the table of excise are responsible for a revenue collected by officers, whose correspondence is deposited with another board, and only comes before the board of excise by accident, or good nature, or personal civility. Would there not be a confusion of responsibility, if the board of customs, to whom all such papers come, were to order a vessel to be seized, when the board of excise, in that case, would be responsible for perhaps 10,000*l.* incurred by damages. As the regulation now stands, the commissioners of excise are to collect a great revenue, by officers whose conduct they have little opportunity to know, and on whose conduct they cannot exclusively decide.

I have dwelt enough on this particular measure; I have shown it to be a defiance of the advice of this House, without the pretence even of expediency, and that nothing since that advice was given, has taken place in the laws to justify the minister in disregarding it; on the contrary, that it is now necessary, in order to conform to the law, to disregard

the instruction of the minister. I say, I have shown this measure to be a disregard to the sense of this House, for the purpose of extending influence; this leads me from the particular subject, to the general policy; the nature of this policy I have described; the ultimate consequences I shall not now detail, but I will mention one which seems to include all. I know you say,—Union; no; it is not the extinction of the Irish Parliament, but its disgraceful continuation. Parliament, under the success of such a project, will live, but live to no one useful purpose. The minister will defeat her attempts by corruption, and deter the repetition of her attempts by threatening the repetition of the expences of corruption. Having been long the bawd, corruption will become the sage and honest admonitress of the nation. She will advise her no more to provoke the minister to rob the subject; she will advise her to serve in order to save; to be a slave on the principles of good housewifery; then will Parliament, instead of controling the court, administer to its licentiousnes; provide villas and furniture for the servants of the Castle; afford a place army to obnoxious members; accommodate with cruel and contradictory clauses the commissioners of the revenue, or feed, on public rapine, the viceroy's clanship! Parliament, that giant that purged these islands of the race of tyrants, whose breed it was the misfortune of England to preserve, and of Ireland to adopt; Parliament, whose head has for ages commerced with the wisdom of the gods, and whose foot has spoken thunder and deposition to the oppressor, will, like the sacred giant, stand a public spectacle shorn of its strength, or rather, like that giant, he will retain his strength for the amusement of his enemies, and do feats of ignominious power, to gratify an idle and hostile court; and these walls, where once the public weal contended, and the patriot strove, will resemble the ruin of some Italian temple, and abound, not with senators, but with animals of prey, in the guise of senators, chattering their pert debates, and disgracing those seats which once belonged to the people.

Here you will stop to consider, and demand, why all this? why this attack on Ireland? The minister will tell you what caused, but I will tell what contributed; it was impunity! impunity! You have no adequate responsibility in Ireland, and politicians laugh at the sword of justice which falls short of their heads, and only precipitates on their reputation. Sir, this country has never yet exercised herself in the way of vindictive justice; in the case of Strafford, she was but an humble assistant; and yet in this country we have had

victims; the aristocracy at different times has been a victim, the whole people of Ireland, for almost an entire century, were a victim; but ministers in all the criminal successions ******* here is a chasm, a blank in your history. Sir, you have in Ireland no axe, therefore, no good minister.

Sir, it is the misfortune of this country, that the principles of her constitution have not yet become entirely the maxims of all those who take the lead in her government. They have no public mind; their maxims are provincial; and this misconception of our situation is not a little assisted by a prudent sense of their own interest. They know that Ireland does not punish, and they see that the British court rewards. This will explain why the Irish court prefers a strong corrupt government, to a good sound constitution. Why, peculations of the most scandalous nature, if the English court do not appear to be affected thereby, are represented as trifles; and why corruptions of a most flagitious nature, if the British court can, by any misinterpretation, be represented as benefited thereby, are advanced as pretensions. This will explain why, under the same British minister, on the same subject, the powers of the two Houses of the British Parliament shall be asserted, and those of the Irish denied; why the extraordinary powers of the two Houses of the Parliament of Britain shall be advanced, and the ordinary powers of the three estates of Ireland denied.

This will explain the phenomena of the times. A Prince of Wales, laden in England with unconstitutional restrictions; a British subject gratified in Ireland with unlimited corruption. This will explain the meanness of our court, as well as its mysteries — when your viceroys, under the present system, for the purpose of reducing the expences or redressing the evils of the state, are puppets, and the men who serve under them are mere machines moved by wires, held by these puppets; themselves active agents, indeed, for the purpose of incumbrance, and their magic castle the reign of men imp'd with inferior privileges in these descending times of meanness and of mischief.

This will elucidate the present policy; a policy against which we remonstrate. Let us suppose the various descriptions of society to approach the Irish minister, and deprecate his project. And, first, the moderate man. He will tell him:

"Sir, give up this system. We were quiet. Why innovate? Why commence an attack? Why make us first the dupe of profession, and afterwards the victims of corruption? why a system in which we cannot perceive, or principle, or prudence, or temper." Let the financier approach him:

"Sir, give up this system. You have exceeded the old duties, and you have exceeded the new, and you have exceeded the estimate of expence, as well as the produce of the revenue; and you have been obliged to draft 70,000*l.* from the public creditor, and you have been obliged to bolster up the state by lottery subscription; and nothing remains but to attempt new loans, or to proceed to new taxes, or to fall on the bounty." Let the modest virtues of private life approach him. "Sir, give up this system; we do not enter into political discussion, but may we be permitted to fear, lest the very great degree of public corruption at this time, for reasons best known to yourself, adopted, and the ribaldry cast by your government on public virtue, may at last extend their poison to the purity of private life." Or let us bring forth the institution of Parliament itself to expostulate with the Irish minister! or, if there is yet her spirit resident in this dome, let that spirit rebuke him! I cannot hear its voice, but I think I feel its dictates. I obey, and I move you,

"That the resolutions of this House against increasing the number of the commissioners of the revenue and dividing of the boards, be laid before His Majesty, with an humble address that His Majesty will be graciously pleased to order to be laid before us the particulars of the representations in consequence of which two new commissioners of the customs have been added, notwithstanding the resolutions of this House; and also that His Majesty will be graciously pleased to communicate to his faithful Commons, the names of the persons concerned in recommending that measure."

Mr. Conolly seconded the motion, and said, that the enormity of the proceedings in the late administration had been so fully stated, that it was unnecessary for him to add what his indignation at such conduct justly suggested. It was supported by Mr. George Ponsonby, Mr. Forbes, Mr. Parsons (afterwards Lord Rosse), Mr. Arthur Browne, Sir James Cotter, Mr. Hardy, Mr. W. Ponsonby, Mr. Egan, Mr. Stewart of Killymoon, and Mr. Curran.

Mr. Arthur Browne animadverted, in severe terms, on the administration of the Marquis of Buckingham, who, he said, came over supported by popular opinion, but had deceived the expectations of the people. The appointment was in direct contradiction to a vote that was on the journals of the House.

Mr. Parsons contended, that the object of the minister was to obtain an improper influence in Parliament. This system had notoriously increased, and, if persisted in, would deprive the country of all the acquisitions of 1782.

The motion was opposed by Sir H. Langrishe, Mr. Beresford, Mr. Denis Browne, Mr. Annesley, Mr. Corry, Mr. Mason, Mr.

Ormsby, Mr. Toler, Mr. Hobart (secretary), the Chancellor of the Exchequer (Sir J. Parnell), and the Attorney-general (Mr. A. Wolfe, afterwards Lord Kilwarden).

Mr. GRATTAN replied: Sir, an honourable member on the floor has suggested an idea to which I instantly accede; he conceives that we are guilty of false charges, or the minister of the crown of the grossest corruption; and therefore he conceives it would be proper to punish one or the other, either us or the administration. I agree with the member; and instead of idly hanging on the public ear with fruitless altercation, let us proceed in a penal form, and try one side for sedition, and the other for corruption. I own I wish a committee was appointed for this purpose. Bring against us your proofs of our sedition, and I will bring against you my proofs of your corruption; proofs of attempts to intimidate members in the discharge of their duty in that House; proofs of your tampering with members, and proofs of your sale of honours. I do not mean the ordinary practices of most administrations; but I do mean an extraordinary exertion of the grossest corruption. On the appointment of such a committee, I directly join issue with the ministers of the crown; if they decline, let the public judge who are guilty. Sir, the gentlemen of the other side have misrepresented what I said in many, but particularly in two, material instances; they have stated, that I have charged Parliament with corruption: no; but I charged the administration with corruption, and I foretold that the success of their project would ultimately render Parliament, like the administration, corrupt and contemptible.

They said, that I stated the credit of this country as low and desperate; no; but I stated the credit of her administration as low and desperate, and I specified one particular wherein administration had filched from the loan duty; by throwing thereon the drawback upon malt, above 70,000*l.*, transferred from the public creditor to support corrupt establishments. Gentlemen, in defence of the measure under your consideration, have advanced as its apology, that the trade of the country has increased; from thence they infer that the corrupt influence of the Crown ought to be increased; they infer that political depravity should keep pace and measure with commercial prosperity; it follows, because you export, perhaps, 2,000,000*l.* of linen, or export above half a million of corn, that, therefore, the minister should import into this House an additional number of placemen. Are the two commissioners in any degree instrumental to the increase of either export of linen or of corn? or will the most crazy speaker on the side of government, venture to say, that this

specific increase of export does require two additional commissioners of the revenue? Are we to understand, that it is the present principle of government, to convert the substance of the people into poison for the constitution, and make a growing prosperity an indefinite pretence for a growing prostitution? Sir, the next resort is to the pretence of trouble, grounded on an increase of revenue; and, in urging that pretence, they mistate the fact; they tell you that since 1771 the revenue has risen two-thirds; it is not so; the gross ordinary revenue of 1771, was above 800,000*l.*; the gross ordinary revenue of 1789, is not 1,400,000*l.* They have grossly, therefore, misstated one fact, and they have most disingenuously suppressed another, which is, that though the revenues have not doubled, the expence of collecting those revenues has much more than doubled. It was, in the year 1771, 122,000*l.*; it is in the year 1789, 290,000*l.*,—a growth which does not justify a further increase, but calls for an immediate and decisive reduction. Part of the increase of revenue arises from new duties added to the old, and therefore collectable by the same officers; part of that increase is from new duties, such as stamps and post-office, for which Parliament has appointed special officers; and part of that increase arises from duties granted in 1773, on public stipulation of reducing the commissioners of the revenue to the number of seven. Sir, the direction of your choice is a proof that it was not to clear off an arrear of business, but to extend an influence, and to discharge an arrear of engagement, that this measure was adopted; the nine commissioners being seen this moment sitting, and voting, and speaking in Parliament, prove that they were appointed, not for revenue business alone, but for ministerial business also. But if there is any thing in your pretence of intolerable trouble, prove your sincerity, and bring in a bill to exclude, as in England, the commissioners of the revenue from sitting in Parliament; but this you would resist, and of course, on this head, the sincerity of your engagement is exposed by the corruption of your practice. You go on and state that the number of officers in the lower departments of the revenue has multiplied astonishingly; and you acknowledge that the collection of the revenue is entirely under the control of, and conducted by a communication with the minister. Thus you acknowledge the collection of the revenue to be, what it is, a fund of court patronage; and because the court has increased that patronage astonishingly among the lower orders of the people, they argue it should also increase that patronage among the higher orders, and fill the Parliament, as well as the nation, with officers of the revenue.

The right honourable member who defends this measure as chief commissioner, when he states the commissioners to be too few, is not inconsistent with his old practice and precept; but to be perfectly consistent, he should assert that nine are too few also. Sir, he voted for twelve commissioners of the revenue in 1771, when the revenue of the country was much less. The measure of profusion in the collection of the revenue, which he then ascertained, requires that he should support a much greater number even than that of which we now complain; and, therefore, he should condemn the present measure, because it does not sufficiently increase the number of the commissioners and the influence of the government. That right honourable member states, that this country was threatened with all the consequences of corruption when the boards were divided, and that none of those consequences took place; but the right honourable member forgets what is very material to his argument, that the experiment did not take place. The boards were divided in 1772, and reunited in 1773. The right honourable gentleman states, that by law there should be twelve persons filling the commissionership of excise and customs; and he infers that the resolutions of 1771, are against an act of Parliament. If that argument is true, the revenue board has been, in the last century, an illegal board, and he himself in the last twenty years, an illegal member of an illegal body. Nay, if his argument be true, he is at this moment in an illegal predicament; for, by his argument, nine do not fulfil the provisions of the statute and twelve are necessary. The right honourable gentlemen having impeached not only the establishment of the commissioners, which he intended to condemn, but the establishment of nine commissioners which he proposed to defend, closes a jejune and empty speech on his own subject with an observation that the tables do not act separately; by which he must either mean that His Excellency the Lord-lieutenant's letter is disobeyed, and if he does mean that, he confirms every thing we have said; or he means that the tables have an union in the three commissioners, common to both, in which he is grossly mistaken in the practice of his own business. The two tables, according to the letter, are each competent; there may be of the nine commissioners, five of the customs of one opinion, four of the excise of another, on the same subject. The consequence must be contradictory determinations.

Another right honourable gentleman, who spoke in the course of the debate, narrowed the question of the address to the point whether the new commissioners were appointed contrary to the resolutions of 1771. And, in so doing, he totally

mistakes the address; it goes to the merit of the question. It does indeed represent those resolutions on a certain ingredient making it necessary for His Majesty's ministers to produce some documents of strong and real exigencies for the adoption of a new expence. The address does not only complain to His Majesty of a defiance offered to his House, but it desires of His Majesty that he will inform us of the causes and representations which induced him to increase the public expence in one instance, which this House, in 1771, had disadvised. The increase of the expence is one part of the complaint; the contempt offered to the House is another. The right honourable member, confining this resolution to one object, misstates the resolution before you, and then proceeds to misstate the resolutions of 1771. He says they were retrospective; certainly they were not; and there is against the assertion of the right honourable gentlemen, the judgment of the House at that time, which ordered the resolution, declaring nine commissioners to have been sufficient, to be laid before His Excellency, not to give him historic knowledge of the past, but cautionary advice for his future conduct. There are two resolutions declaring that the House will not take any steps to give efficacy to the increase of the number of the commissioners. And another resolution declaring that the increase of the number was against the advice of the House of Commons. What now becomes of the right honourable gentleman's retrospective argument? — an argument asserting the House to mean the contrary to what the House in two resolutions has asserted.

The right honourable member tells you that the House, in 1771, had evidence: Sir, it was moved, in order to damn the motion, by way of amendment, that the House had evidence; but there were no papers, no documents, no evidence more than which is before you this moment. The notoriety of the corrupt motives which suggest the increase of the number of commissioners; the notoriety of corruption was, and is the evidence, on that occasion and on this. Arguing the question on the mistake of the right honourable member, we should directly conclude against him; he calls for evidence, and he himself states three judgments of this House on this very point, which judgments the member says were founded on evidence. You have then these judgments stated by the minister to be authority or evidence.

The right honourable member proceeds to justify the measure on its own ground, and he states the increase of the revenue to be threefold, in which he is mistaken; and he omits to state the increase of the expence of collecting the

revenue; the stating which would be fatal to his own side, and prove a most unwarrantable and alarming increase of expence in this particular branch, which the measures he defends will make more expensive and corrupt.

The member proceeds to justify the increase of the number of commissioners, from their occasional visits to the ports. He cannot seriously insist on that argument; why not add their visit to the House of Commons, and to the cabinet, and to their ministerial friends in England? And the great opportunity and leisure they have to do extra business proves that their multiplication had something else in view than the collection of the revenue; but, Sir, why should I endeavour to prove this corrupt influence? It is confessed: after using every flimsy pretext in support of the multiplication of the commissioners of the revenue, the real motive is at last acknowledged: we are told "that the influence of the Crown stands in the place of prerogative, and is not too great in Ireland!" Nay, more; it is expressly confessed that these expences are political expedients, and as such, are justifiable. Sir, we know it; we complain of it; it is the very system of corruption we come here to combat; it is the plan or project we stated to be adopted by the minister of the crown, for the purpose of destroying the liberty of the subject.

Sir, that corruption should be practised by ministers is a common case; that it should be carried under the present administration to that most extraordinary and alarming excess, is the peculiar misfortune of the country, and the peculiar disgrace of her government, in their present venal hands. But that this should be justified! that this should be justified in Parliament! corruption expressly justified in Parliament! Sir, the woman who keeps her secret is received, but she who boasts her shame is the outcast of society; in these cases the ear corrupts the mind, and the sound haunts the soul with the warm image of pollution. That corruption should be the conversation of your cabinet, the topic of your closet, the soul and spirit of your table-talk, I can well conceive; but to introduce here your abominable rites, to bring Mammon out of your closet, and fall down and worship him in the high court of Parliament! Sir, how far must the ministry have gone, when even here it bursts out its horrid suggestions?

Sir, have mercy on the modesty of the public mind; respect the sanctity of the public ear. Sir, if the minister had conquered this country, or if the principle prevailed, supported by the eighteen men (some of whom are now of your cabinet,) who voted that Ireland was governed by an English mutiny bill; or, of the forty-seven (some of whom are now of your

cabinet), who were ready to vote taxes without a free trade; or if the minister stood at the door of the senate-house, at the head of an armed force, then, indeed, he might say, "My lords spiritual and temporal, damn you, we will buy you with your own money." *

Sir, we avail ourselves of this proclamation of the premier of government. Gentlemen now perceive the necessity of an immediate place bill and pension bill; the public are now advertised of the necessity of such measures; the public are now advertised to form some systematic plan of defence.

I have heard the Whig Club mentioned in the debate. Sir, had I any doubt before of the propriety of such an institution, which I had not, the doubt certainly would have vanished now; for when a principle is openly advanced in Parliament, justifying a project of corrupting the legislature, it remains that all not yet caught by the pollution, should form a constitutional intercourse for general protection, to defend the treasury against plunder, the legislature against prostitution, the liberty of the subject against dissolution, and the political morality of the island against a general pollution. In the mean time: *That* Providence that guarded this country on other great occasions; *That* Providence that raised her fainting head, and made strong her languid frame against former oppression, will still preside, nor suffer the fruits of her past labours to be so soon and so disgracefully blasted; but rather will encompass with her wings the struggling island, and protect in their present peril the people of Ireland against the ministers of the crown.

The question being put, the House divided;—Ayes 80, Noes 135; Majority against the motion 55. Tellers for the Ayes, Sir. Laurence Cotter and Mr. Conolly; for the Noes, Sir Thomas Osborne and Mr. Denis Browne.

COMMITTEE OF SUPPLY.

MR. GRATTAN MOVES TO DEFER THE ORDER OF THE DAY FOR GOING INTO THE SUPPLY.

February 8. 1790.

THE order of the day for going into the committee being read,

Mr. GRATTAN rose and said: Sir, it was urged on our part, at the beginning of the session, that the nation was *running* a

* Supposed to have been the expressions used by a certain noble lord.

race of ruin; that the expences of government, including the charges for collecting the revenue, excluding the bounty, had, on a comparative view of the year 1784 with that of 1789, increased near 200,000*l.*; it was added, that if we considered the expence of the police, the increase would appear, on a comparative view, to exceed 200,000*l.* The fact was, on the part of government, immediately denied; they did not say, that the increase might be explained, might be justified; but they denied it to exist. Notwithstanding that denial, notwithstanding I am well aware of the advantage ministers must have over gentlemen little conversant in figures, either in the habit of making calculations, or investigating complicated accounts, I will repeat the assertion. I thought it necessary to call for papers, stating the expence of the year 1784 with that of 1789, from the proper officer, in order that the ministers of Ireland should be answered by their own clerks; that the clerks in office should answer the clerks in administration. I have two reasons for fixing on the year 1784 as an epoch with which to compare the following years; my first reason is, that the year 1784 was the year the House had in contemplation, when it granted the new taxes to equalize the revenue to the expenditure; the other is, to show how the country had increased her expences, and added to the defect the necessity of running in debt, which it was in the contemplation of the House to remedy. To these reasons is superadded a third, — it was the same British minister who governed from that year to the present day, and here the same principles of government had continued to operate, though the persons administering the government had been too often changed. Having been contradicted, I shall now proceed to examine the fact; but, first, I shall state, that I have not charged all the increase of expence as impeachable matters; the return of the army from abroad, the annual sessions, the post-office establishment, these are circumstances which may be justified. But, notwithstanding, 200,000*l.* per annum for five years proves that there is much criminal expence; and that the men who incur it, ought not to govern. I have gotten the return, which I beg leave to read.

COMPARATIVE VIEW of the Expence of Collection of the ordinary Revenue; the Charge of the Establishments, and extraordinary Charges; Amount of ordinary Revenue, after deducting Bounties and Drawbacks; and the net Produce of the same, as stated in the Accountant-general's paper, No. 5, for the years 1784 and 1789.

	1784.			1789.			INCREASE.			DECREASE.		
	L.	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*
Salaries on revenue establishment,	92,336	11	10¼	103,421	4	11	11,084	13	0¾			
Incident charges, salaries, pensions, and gratuities,	77,318	15	9¾	105,735 21,037	11 10	4½ 3¾	48,054	5	10½			
Salaries to hearth-money officers,	6,180	9	0	5,564	19	2	0	0	0	615	0	10
Hearth-money, incidents, and allowances to constables,	1,093	10	7¾	5,766	15	11½	4,673	5	3¾			
Officers' fees on bounties,	0	0	0	7,019	5	7½	7,019	5	7¾			
	176,928	18	3¾	246,545	7	4¼	70,831	9	10¾	615	0	10
Deduct decrease,	0	0	0	0	0	0	615	0	10			
Net increase,	0	0	0	0	0	0	70,216	9	0¾			
Salaries to stamp officers,	5,581	9	1	5,614	4	10	32	15	9			
Incident charges,	2,304	5	8¾	4,894	8	0	2,590	2	3¼			
Discount,	377	15	8½	703	1	7	325	5	10½			
	8,263	10	6¼	11,211	14	5	2,948	3	10¾			
Salaries to officers of post-office,	0	0	0	21,232	18	0	32,454	19	7½			
Incident charges,	0	0	0	11,222	1	7½						
				32,454	19	7½	32,454	19	7½			
Totals on revenue establishment,	176,928	18	3¾	247,145	7	4¼	70,216	9	0½			
— on stamps,	8,263	10	6¼	11,211	14	5½	2,948	3	10¾			
— on post-office,	0	0	0	32,454	19	7½	32,454	19	7½			
Total on ordinary revenue,	185,192	8	10	290,812	1	5¼	105,616	12	6¾			
Civil establishment,	174,918	4	7¼	206,174	5	7½	31,256	1	0½			
Military ditto,	429,686	12	10	535,093	19	1¾	105,407	6	3¾			
Extra charges, deducting payments by act of Parliament,	221,410	11	11¾	162,524	13	3½	0	0	0	58,886	1	8¼
	826,015	12	6	903,792	18	1	136,663	7	4½	58,886	1	8¼
Deduct decrease,	0	0	0	0	0	0	58,886	1	8¼			
Increase,	0	0	0	0	0	0	77,777	5	8¼			
Add increase on ordinary revenue collection,	0	0	0	0	0	0	105,619	12	6¾			
Total increase on establishments and ordinary charges,	0	0	0	0	0	0	183,396	18	2			

From this you will see how far my statement on the second day of the session was founded on fact; from this you will see, that the expence of 1789, on a comparative view with 1784, exclusive of bounty, and inclusive of management, has increased 183,000*l.*; to which if you add the charge of the police, that is to say, about 18,000*l.* per annum, you will find my statement on the second day of the session to have been founded in fact.

Sir, this statement will serve to correct certain vulgar political errors propagated by His Majesty's ministers with much confidence, and received by others with much credulity; and one great vulgar error is, that the bounty, which is in fact not charge but ability, is the cause of the increase of expence.

Sir, advert to the paper which I have submitted, and you will find the increase of the expences of collecting the revenue as great as that bounty, or greater; the increase of the expence of your military establishment as great or greater; advert to this paper, and you will find the increase of the expence of your civil list, which is 31,000*l.*, being added to the other, makes an increased charge imposed by government, directly or indirectly, of 183,000*l.* In this increase you will observe that all parliamentary grants, as well as bounties, are excluded, so that the whole increase is chargeable to His Majesty's ministers.

Sir, I now come to another consideration, which is the revenue; it was a vulgar error, that the growth of the bounty had consumed the produce of new taxes. In order to ascertain that question, I moved for a return, which, on a comparative view of 1784 with 1789, should set forth the increase of the produce of the taxes, after deducting the drawback and the bounty; and it appears that the increase of produce, after that deduction, has been not 140,000*l.*, but above 168,000*l.*

Hereditary Revenue, additional Duties, Stamps, and Post-office, after deducting Payments for Drawbacks and Bounties.

1784.			1789.			INCREASE.		
L.	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*
980,904	15	6¾	1,149,652	10	9½	168,747	15	2¾

Net Produce of the said Revenues.

1784.			1789.			INCREASE.		
L.	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*
790,421	19	0	857,512	19	9	67,091	0	9

Thus it turns out, that you have increased the produce of

your taxes in a sum sufficient to pay the increase of your bounty, and to produce also a surplus over and above the 140,000*l.*, your stipulation; but it also appears, that there has been a growth of expence in the collection of the revenue, under the control of government, so very great, as to have consumed the greater part of your produce, and to have left for the treasury not above 67,000*l.* It appears, that to collect 67,000*l.* for the treasury, you pay above 100,000*l.* addition in agency.

Gentlemen may say, that I have acted unfairly in not stating the savings of the Marquis of Buckingham; but I hold such savings to be despicable; a few bushels of coals deducted from the allowance of the brave soldier, who had fought for his country, and the money arising from these bestowed upon the sycophant, who preys upon the country, was a most marvellous piece of economy.

Mr Grattan moved to defer the order of the day, and said, if that motion was carried, he would propose to have a day fixed to investigate the subject.

This was opposed by the Chancellor of the Exchequer (Sir John Parnell), Mr. Cooke (secretary), Mr. Marcus Beresford, Mr. Corry, and Mr. G. P. Bushe. It was supported by Mr. Kearney and Mr. Ponsonby.

Mr. GRATTAN rose in reply to the Chancellor of the Exchequer and Mr. Beresford. Sir, I request to recall the attention of gentlemen to the declaration avowed by his Majesty's ministers at the opening of the session, "That my statement mentioning that, on a comparative view of 1784 with 1789, the increase of expence, exclusive of bounty and inclusive of collection, and police, was 200,000*l.* had no foundation." Sir, gentlemen now acknowledge that statement to be true, and they now endeavour to justify what they first attempted to deny. Why I choose to submit a comparative view of ministerial expence for the last five years, I will explain to you.

The tyrant who does not shrink from crimes, revolts at the relation of them. Nero went on in a wicked succession of enormities, reconciling each as it arose, but had the historian presented his deeds together in one black volume, even Nero would have been appalled. Nero, who could commit murder, would have shrunk from history; so the prodigal and corrupt government, who does not hesitate on each item of expence and corruption, would shrink from a compilement of those items in the course of five expensive and venal years. Herein would appear the tendency and consequences of their measures,

and though they have no political heart to feel remorse at a wicked system, yet they have retained a political intellect sufficient to understand the nature and see the consequences of their political offences; they, therefore, choose to go into the committee of supply to feed their criminal charges, rather than open the committee of accounts in order to state them; they had rather commit crime than hear the relation.

Sir, gentlemen have attempted to justify some of the charges which have increased the public expence to so enormous an amount; and, first, they justify the growth of expence in the collection of the revenue, and one ground of justification is an enormous charge for building *a palace for the commissioners!* I mean that instance of official vanity, prodigality, and presumption, the new custom-house, unauthorized by the nation, inasmuch as no estimate was laid before this House until after the building had proceeded to an expence unwarrantable; whether you consider the quality of the revenue officer, or the state of the revenue, it is a monstrous disproportion, exposing the littleness of your trade, and the magnitude of the rapacious persons who collect the revenue; the wing of office overshadows the capital. I had much rather, if you were to go to a great expence for an edifice where you had not income for your establishment, I had much rather see an hospital built to humanity, where age and infirmity should sit smiling at the gate, than this temple, built to penal laws, where the revenue officer presides with a quill in his wig and a penal clause in his pocket.

They have not only built an immense palace, but they have taken care to provide therein accommodation for themselves; houses for commissioners' palaces for clerks, furnished at the public expence. You pay not only for villas for the servants of the Castle, but city dwellings for the commissioners of the revenue. Where is the act of Parliament that directs that an apartment should be built for the first and the second commissioners, and then stops, in order to omit the third, perhaps less exceptionable? I make no doubt gentlemen will produce ministerial authority, and this is the mischief consequent on the aspiring of commissioners, working themselves to be not only members of the legislature, but part of the administration; the result has been a ministerial countenance given to prodigality, and an expence in the collection arising from corruption, rapacity, and presumption. Sir, the custom-house, then, is no justification of the excess, even though the custom-house was the only cause; but the custom-house appears, from the statement made by the gentlemen themselves, on a comparative view of its charge in 1784, to account for a growth

not of 37,000*l.* but 17,000*l.* expence. In 1784, they state that the custom-house cost 22,000*l.*

Gentlemen next proceed to charge this increase of the expence to the malt tax; the increase, excluding the stamp and post-office, is 70,000*l.* by return of their own officers; the produce of the malt tax, by their own confession, 27,000*l.* This, according to their excuse for 27,000*l.* voted to government, you pay, after allowing for the increased expence of their custom-house, above 60,000*l.* to the officers of the revenue; for the malt, after deducting the drawback on the additional and loan duty, nets no more than 27,000*l.* In this posture of the question, it follows of necessity that you must repudiate the tax or the argument; you must give up the ministers of finance or the commissioners of revenue; the former have introduced an useless tax, or the latter have made an unfounded and impudent apology. The gentlemen, having in this step convicted their system of taxes, instead of justifying their system of prodigality, proceed to another excuse for the growth of the expence of collection, and think they find it in the excise of tobacco. They tell you that the excise of tobacco does not increase the revenue; the first commissioner insinuates that neither the malt-duty nor this excise had his approbation, and he does not venture to say the excise on tobacco has increased the revenue; on the contrary, he positively said that it produced nothing; but I scorn to confine him to his expression, and if he can now state the produce to be any thing, he may do it; and if he does not, then his argument is this; "You have passed an excise on tobacco, unproductive in point of revenue, but so heavy in point of expence as to require the addition of 130 new officers, and sufficient, with the custom-house and the malt tax of 27,000*l.*, to justify an increase of collection in his department, on a comparative view with 1784, of above 70,000*l.* per annum.

When gentlemen argue on excise, the usual defence is, that if you lose in liberty, you gain in revenue; but it appears our revenue policy is to lose in liberty, in order to establish excise, and then to make that establishment of excise an excuse for losing in revenue, and losing in the worst possible methods, by multiplying a set of officers to consume this revenue, which the excise in question does not increase; so it does not even raise provision for its own vermin.

Sir, the revenue laws are absurd, tyrannical, and contradictory; they are composed of little, capricious, spiteful, ignorant, unconstitutional, and interested clauses. If a digest was now to be formed of the revenue bills, it would revolt this House; or if the matter was now to be enacted, no legislature

would venture on such a system. Had the Divan sat and deliberated, it could not have framed a system more hostile to your constitution, or to the genius of a people that live under a free constitution.

Look at the expences in collecting that revenue, and you would imagine, from their enormity, that every thing had given way to the principles of the constitution; look at the revenue law, and you would imagine, from its tyranny, that every principle of the constitution had yielded to the summary and cheap collection; but when arbitrary and extravagant principles make and execute law, and when the collection of the revenue is made a fund of court patronage, then it is that you find wheel set against wheel, clause in opposition to clause, and a vast train of officers and expences, in order to prevent from immediate collision this ignorant and tyrannical piece of wretched workmanship. Whenever laws are conceived in ignorance, or defiance of the genius of the constitution and the people, they will be ever, in their execution, attended with difficulty and expence.

Sir, permit me to state to you one instance of the impracticability of those laws: we called for a return of the articles which, by the revenue bill, required a permit; their own officer could not specify them; he could not know that, for not knowing which the subject is liable to a penalty; he returned general heads, and the subject was to guess at the particular items contained under those heads: had he made a return of the articles, they would appear so numerous, as to have exposed the permit clause; and further, to have shown, that it was not obeyed, that it could not be obeyed, and that the commissioners could not insist on its execution.

In order to show the fatal effects of those revenue laws, as well as their impracticability, I will state another return from the proper officer, respecting the produce of the excise on beer and ale for 1757, and the same for 1789; in 1757, 117,000*l.*, in 1789, 86,000*l.* Thus, notwithstanding the growth of the people, your consumption and your riches since 1757, yet there has been a decrease in 1789 of above 31,000*l.* a-year on your brewery.

Here is the effect of the laws which regulate the brewery; here is the consequence of that auspicious system which presides, with a most unprofitable, or rather, indeed, a fatal industry, over a valuable branch of trade, and succeeds so as to destroy it. I will add your tax on malt since 1789 to the excise on beer and ale, and yet their joint produce in 1789 is less by 4000*l.* than the produce of beer and ale alone in 1757. It will appear, indeed, that the excise on spirits has greatly

increased; thus a wholesome and nutritious beverage has been destroyed, and in its place substituted a desperate and sickly intoxication. You have destroyed the nourishment of the subject, and have promoted a poison on which to raise a revenue by the folly of the regulations.

But to return to the question. In order to judge of the expence the nation *pays her agents* who collect her revenue, look at the per centage in 1784; the expence of collecting the hereditary revenue and additional duties.

	PER CENT.
In 1784,	*L.* 16 19 *5*
— 1789,	18 17 0½
Of stamps in 1789,	19 2 5
Total expence of collecting ordinary revenue, including post-office, for year 1789,	20 11 7

Gentlemen, unable to defend themselves on the head of collecting, try whether they may not be more fortunate in defending the growth of expence in the military establishment. I acknowledge the return of your army to be one cause, but I said, and they do not disprove it, that it will not account for the excess; they have stated 66,000*l.*, and they have added a few thousands on account of the increased salaries of the Lord-lieutenant and his secretary, making somewhat above 70,000*l.*, but there remains yet to be accounted for above 30,000*l.* However, without dwelling on that head, or deciding how far the part of that charge is or is not defensible, give me leave to observe, that there is one head on which they have given little or no answer whatsoever, I mean the increase of the civil list; what will they say for that 31,000*l.* which is made by the returns? will they defend it? will they say, it was the annual session or the additional judges? Let them turn to the pension list, there they will find that the new pensions put on the establishment, either in addition or supply, are equal to a sum little less than the increase of 30,000*l.* Here is a course unjustifiable, and here also is a principle explanatory of the other causes of the increase of public expence; a principle which proves an intention in the ministers of the crown to increase the corruption of government, and the expence of the nation; and you find that principle operating in the little items and the little charges on the different establishments, and in the great ones; and you find it a living and acting cause, either to increase your expences for the sake of influence, without colour, or on every little pretext of business, without reality; it is a principle which extends itself and informs all the policy, and contaminates the whole system; it is sometimes concealed in the mystery of revenue, and some-

times hid in the web of official perplexity; but it is the principle of the present government, and a principle which you must check, or give up your constitution.

Sir, in the course of the debate, gentlemen have alluded to the expences of the Marquis of Buckingham, and they have stated that, on a comparative view with 1788 and 1789, he has lessened the expence of this country. Sir, this statement is fallacious; it is true, it does appear that the three heads of civil and military establishments and extraordinary charges have, in 1789, diminished on the whole in the sum of 10,000*l.*, but it also appears, and from the same report from whence their statement is taken, that he has increased the expences of collecting the revenue 20,000*l.*; so that there is a balance against his economy of 10,000*l.*; and the conclusion to be drawn from a full view of the account is directly opposite to the conclusion endeavoured to be drawn from their partial statement, — not a decrease but an increase of 10,000*l.*

Sir, on a comparative view of 1789 with 1787, the case is stronger against him, for there you will find that the increase of the expence of collecting is 46,000*l.*, which, applied to the decrease on the establishments' extraordinary charges, creates a still greater balance against his economy. Now, Sir, that he should be chargeable with the increase of the expence of collecting, is obvious to every man who knows that he could have checked it, and to every man who can read, and must see that he introduced some of his jobs in the article of collecting the revenue, his salaries to stamp officers, his additional commissioners not in this account, brought into charge; and certain, therefore, to make the next account even more unfavourable to the character of administration. You will find also other jobs of his most exceptionable in this very article of revenue collection. But, Sir, the fair way to make an estimate of the public expences is, to enquire into the nature of them; for instance, some expences are in their nature perpetual; the expence of the civil and military establishments, and part of the expences of collecting the revenue, are perpetual; whereas the expence of extraordinary charges, such as concordatum, King's letters, and some others, are casual; the expence casual, and the saving casual therefore. On this principle I will form two comparsions, — first, I will compare the economy of the Marquis of Buckingham with the prodigality of the Duke of Rutland, and on that comparative view you will see that the civil list of 1789 compared with that of 1787 increased 9000*l.*, the military 34,000*l.*, and the expences of collecting the revenue 46,000*l.*, total increase about 89,000*l.*; whereof from 20,000*l.* to 30,000*l.* (great allowance for the incidental charge

of revenue) is casual; that leaves about 60,000*l.* permanent annual charge, which is equal to the interest of a debt, incurred at four per cent., of 1,500,000*l.* Against this you state his reduction in the same comparative view; concordatum 23,000*l.*; but concordatum he did not reduce, it reduced himself; the extravagant charge of concordatum for 1787 was owing to the expences of the park and the furnishing houses; that expence has ceased, because men do not usually get new furniture every year; therefore, he has no merit on that saving. However, we will allow it; add to that casual saving of 23,000*l.* 3000*l.* saved on military contingencies, which may be called permanent; because it arises from part of contingent charges now charged on the military establishment, and therefore may be stated as a saving of an interest equal to a principal of 75,000*l.*; add to this, that part of the saving of 51,000*l.* on King's letters, which arises from transferring seconded men into the line, and may be stated as a life charge saved equal to 160,000*l.*, which, all taken together, makes his saving equal to a debt reduced of somewhat less than 300,000*l.* This is the comparative view of the economy of Lord Buckingham, compared with the prodigality of the Duke of Rutland, — balance against economy above 100,000*l.* I do not say that the Duke of Rutland, was an economist; he had but one weakness, that was profusion, the single failing of a liberal mind; it was generosity carried to excess; it was the weakness of virtue; and his only weakness was a more faithful steward than the only virtue of his successor, which was parsimony.

But, Sir, this comparison is less strong against the late minister than the second, which I beg leave to submit; compare the expences of 1789 with the estimate of 1785 submitted by the minister of finance on the application for new taxes. By that estimate the civil establishment was to be 185,000*l.*, it is now 210,000*l.*, an increase of 21,000*l.*; the military establishment was to have been 509,000*l.*, it is 535,000*l.*, an increase of 26,000*l.* concordatum was to have been 32,000*l.*, it is 40,000*l.* an increase of 8,000*l.*; collection of revenue 185,000*l.*; it is 290,000*l.*; allow for the post-office, and there is an increase of 72,000*l.*; of all which I will allow, on account of concordatum, and an extraordinary swell in the incidents of the revenue above 30,000*l.*, to be casual; there then remains 90,000*l.*, permanent annual charge, equal to the interest of a debt, at 4 per cent., of 2,500,000*l.*, against which is to be set off a saving on King's letters of 23,000*l.*, and on the military contingencies of 1,000*l.*; the latter we will call permanent, and value at 20,000*l.* Of the former 16,000*l.* we will call life-charge on account of the seconded men, and

value at 160,000*l.*; give him then credit on account of saving for a sum equal to a debt reduced of 200,000*l.* or even 300,000*l.* How then stands the account? Saving on the minister's estimate 300,000*l.*; excess over and above estimate 2,500,000*l.*; saving by His Majesty's ministers on a comparative view with the estimate, on the faith of which the new taxes were granted, 300,000*l.*; breach of faith by His Majesty's ministers, an annual charge equal to a debt incurred of 2,500,000*l.*

This mode of calculation will appear the more just when we recollect the common trick by which the patronage of the minister is advanced in this country; his establishments are the measure of his corruption; his casual charge, of his waste. Meaning, like the present ministry, to govern by corruption, he postpones the waste to introduce the patronage, and when the nation is reconciled to the one, it is then visited by the other, and saddled with both. Sir, if you look into the particulars of the charges of the year 1789, you will find the observation verified; look into the King's letter of 1789, and you will find an apparent saving in those articles from an intermission of expence. Thus there is no charge for gunpowder, which was, in 1788, 11,500*l.*; that is not a saving, but an intermission of expence; none for extra-forage, which is above 9,000*l.* There are other expences intermitted, not saved, whereas, in the year 1784, there will appear, under the head of King's letter, charges not only casual, but non-recurring, a considerable sum to Mr Brooke, to Geneva, to the order of Saint Patrick; the whole of the non-recurring charges above 30,000*l.* From this it appears how fallacious the saving of 1789; how permanent the expence; and, from the whole, it appears that this nation, under the present ministers, is advancing in a race of expence which must over-exhaust her growing commerce, and a race of corruption which must soon destroy her new-born constitution.

The question was put, that the Speaker do leave the chair, and that the House resolve itself into a committee of supply, which was carried without a division.

INCREASE OF EXPENCE.

MR. FORBES'S MOTION FOR AN ADDRESS TO HIS MAJESTY ON THE EXPENCES OF THE NATION.

February 11. 1790.

MR. FORBES took a general and able review of the expences of the country. He animadverted upon the extravagance of the government in 1785. He said, 140,000*l.* had been then granted in new taxes, for the express purpose of equalizing the revenues to the expences of the country, and preventing the further increase of debt. Since 1785, the revenue had increased 30,000*l.*; the new taxes had produced 168,000*l.*; and yet the expences of government had exceeded this increased income; that in Lord Buckingham's administration the expences had exceeded the income by 107,000*l.*; and the expences of 1789 exceeded those of 1784 by 183,000*l.* He censured severely the appointment of the two additional commissioners of revenue by Lord Buckingham, which was kept secret until after his precipitate departure, and against a solemn determination of the House of Commons. He adverted to the pension list, and stated that, since the commencement of the Duke of Rutland's administration, in February, 1784, 30,000*l.* per annum, new pensions, had been added. Mr. Gerard Hamilton, who had been secretary, had got a pension of 2500*l.* per annum. Lord Maccartney, who had been secretary, had got a place of 1500*l.* per annum. Sir Richard Heron, who succeeded him, got a place of 800*l.* per annum. Mr. Eden, another secretary, had received a pension. Mr. Orde, another secretary (in his opinion, the worst ever this country saw), had received a pension. Mr. Cooke, another secretary, had got a place of 1800*l.* per annum; the salary of the customer of Kinsale had been increased; the salary of the comptroller of the Pipe had been increased; the salary of the barrack-master of Dublin had been increased. Such corrupt expences would ultimately prove injurious to the country, and fatal to her constitution. Mr. Forbes concluded a speech, which he delivered with uncommon energy and animation, by moving the following resolution:

"That an humble address be presented to His Majesty, stating, that having taken into our consideration the income and expenditure of the nation, we find ourselves obliged to lay before him certain abuses and misapplications of a considerable portion of the public revenues; that the list of pensions, on the 21*st* of January, 1789, appears to have increased to the sum of 101,000*l.*, exclusive of the military pensions, which amount to 6,500*l.*, a sum nearly equal to half the charges of the civil establishment; that the pensions placed on the civil and military establishments since the 24th of February, 1784, exclusive of those granted in lieu or

exchange of former pensions, amount to 29,800*l.*, 12,313*l.* of which have been placed on the establishment since December, 1787; that the amount of pensions on the civil establishment has increased since the 25th of March, 1784, in the sum of 16,000*l.*; that many of these pensions have been granted to members of this House, during the pleasure of the Crown, in violation of the principles of the constitution, and the honour of the House of Commons.

"That a number of new and additional salaries, in the nature of pensions, had of late been annexed, not only to old offices which had become obsolete and useless, but also to lesser offices, mostly sinecure, or hitherto considered of so insignificant a nature, as to entitle the holders of such offices to very small salaries: that an addition of 300*l.* per annum has lately been granted to the salary of customer of Kinsale, to commence from the 12th of September, 1789, and a further addition of 200*l.*, payable on a contingency, both for the life of the present possessor; an office which has been for years considered as useless and obsolete, to which no duty whatsoever is annexed, nor any attendance required.

"That an addition of 400*l.* per annum has been lately granted to the salary of comptroller of the pipe, though 53*l.* 10*s.* has for years been considered as an adequate compensation for the discharge of the duties of that office.

"That an addition of 150*l.* per annum has also been lately granted to the barrack-master of Dublin. That the persons to whom these additional salaries have been granted, are all members of this House.

"Humbly beseeching his Majesty graciously to interpose, to restrain the progress of a system of expence, which must soon induce a necessity of resorting to new loans, and of imposing new taxes."

Mr Conolly seconded the motion.

It was opposed by the Chancellor of the Exchequer (Sir John Parnell), Mr Mason, Mr. Boyd, Mr. Alexander, Mr. G. P. Bushe, Mr. Cooke (secretary), Mr. Johnson (afterwards Judge), the Attorney-general (Mr. A. Wolfe), Mr. Griffith, Mr. Serjeant Duquery, and Mr. Marcus Beresford.

The motion was supported by Mr. George Ponsonby, Mr. Curran, Mr. Hardy, Sir James Cotter, Mr. C. O'Neill, Mr. Egan, Mr. Saunderson, Mr. Kearney, and Mr. Dunn.

The Attorney-general was very severe in his expressions against the opposition, whose objects he represented as factious, and said that the contest of that party was merely for power.

Mr. GRATTAN said: I think it necessary to rise, to make some few observations on what fell in this debate from some gentlemen on the other side, on the subject of party. We have been called "*the tail of a British faction;*" by whom? By those, or the followers of those, who owe their livelihood, or their first elevation, to what they call "*the British faction;*" by those who have received 1, 2, or 3000*l.* a-year from that British faction; whose numerous family have been fed by that British faction; or whose introduction into political life was

first due, and the consequences, therefore, in some degree, to be attributed to that British faction. There is not one of the gentlemen in the present Irish administration who are really confidential, that are not bound either by the closest relationship, or the greatest political pecuniary obligations to that British faction; nor is there any one of them, or of those who act under them, that would not be the humble servant of that British faction, if the keys of the treasury were once more in those hands; nor is there any one of them who would not, and does not now, for his private interest, personally and privately court that British faction. When such men revile that body, and instigate their friends, and followers, and retainers, to revile that body, such men do not acquit themselves of the charge of party, but convict themselves of the basest ingratitude and vilest adulation. They prove themselves willing to offer their wretched incense to whomsoever shall be in power; to those from whom they now receive wages, and therefore fawn on, at the expence of those from whom they did receive wages, from whom they are ready to receive wages, but from whom, at this particular moment, they receive wages no longer; and, therefore, such men are not above party, but so very mercenary and menial, as to be below faction. Just so, the coachman who drives the minister, he serves secretary after secretary, he is handed down from master to master, and he inquires not into the principles of any, but receives wages from all; and his justification is, that he is a servant. But should he, servant as he is, like some of you, revile those masters who have paid him, then he would be a faithless hireling, and not an honest servant.

Sir, I will tell gentlemen what description of party is beneficial; party united on public principle, by the bond of certain specific public measures, which measures cannot be carried by individuals, and can only succeed by party.

I will state some of our's; a pension bill; a place bill; a repeal of the present Dublin police bill; a responsibility bill; that is, a bill requiring the acts of the executive power to be signed by certain officers resident in Ireland, who shall be, with their lives and fortunes, responsible to this kingdom in the measures and expences of government; also, a bill to preserve the freedom of election, by disqualifying revenue officers; and, further, a total demolition of the new charges created by the Marquis of Buckingham.

These are some of the measures to which we, if we should have power, are pledged to the public to carry into specific execution. I read them the rather, because *littera scripta manet*, the public hears and will record.

These are some of our measures. I now turn to administration, and call upon them to state their measures; what bills for the public good? State them; come forth. I pause to give them time to consider. — Well, what are they? not one public, constitutional, or wise, regulation; there they sit under the public eye — a blank, excavated and eviscerated of any one single constitutional or economic bill, or principle, or project, for the good of the community.

Sir, I will give these gentlemen of administration, on this topic of party, the greatest advantage they can in their situation receive. I will draw a veil over the past, and forget the specific services which we have performed, and those which we are pledged to perform for the good of the country. I will also forget the injuries which they and their abettors have at different times inflicted, and are this hour inflicting on the community; let us start, as it were, a-new; set name against name, and we will beat them down by character.

I have submitted a description of a party which I conceive to be a public benefit. I will state to you a description of a party which I conceive to be a public curse; if party it can be called which is worse than a faction, and nothing more than an impudent *phalanx* of political mercenaries, coming from their little respective offices to vote for their bribe, and vapour for their character, who have neither the principles of patriotism nor ambition, nor party, nor honour; who are governed not by deliberation, but discipline, and lick the hands that feed, and worship the patron who bribes them. Degraded men, disgraceful tribe, when they vote for measures, they are venal; when such men talk against party, they are impudent!

As to the complaint before you, contained in the address of my friend, I can only say what has already been said better by others.

This complaint is not incompatible with the bill. It states the grievance of the excess of pensions, and applies for redress; the bill purports to prevent the repetition of that excess by operation of law. The pension list is not now less than the latitude of the bill; they have not read the bill who talk so. The establishment of the bill, including royal pensions, Parliament pensions, military pensions, and incidents, was 80,000*l.* The latitude of the list with these, about 110,000*l.* There was, indeed, in the bill a latitude for future royal and Parliament pensions, but the present were and are included in the bill of 80,000*l.* — you will be certain of this, because we will try the bill again. They say we have no evidence — of what? that the Irish pension list is excessive and corrupt.

What! do they want to be convicted as well as confuted? Had you the evidence they demand, it would not be sufficient to proceed against the measure, it would be incumbent on you to proceed against the men.

What evidence had this House in 1757, which resolved a string of resolutions against pensions? What evidence had this House in 1771 and 1773, that resolved against Mr. Dyson's pension? In these cases you act as an inquest — notoriety is evidence here, notoriety of corruption in the present case is ample evidence. Do you demand more evidence? The men who have supported these measures are evidence; the reason, or rather the want of reason, they adduced, is evidence. They have attempted to tell you, that you have no right to complain to the King on the exercise of his prerogative; and, in telling you so, they talk like school-boys, unfit to be members of the legislature; and still more unfit to be ministers of the Crown. You are the great council of the nation, and obliged to remonstrate to the King on the improper exercise of his prerogative, unless you have abdicated that situation; and, instead of being the great council of the nation, under the present ministers, have become the pensioners of administration.

Gentlemen tell you, that your debt has decreased, and therefore they infer, you may increase corruption. Sir, the fact is not so; the funded debt, indeed, has decreased, and without any merit in government; but there is another debt, the unfunded debt, which has not only increased, but which, when added to the other debt, makes in the whole, on a comparative view of 1789 with 1787, an increase of debt 113,000*l.*; for those reductions of fictitious charges are to be taken off the debt of 1787, as well as off 1789, and there will be, notwithstanding your new taxes, and your unfounded argument, an increase of debt from 1787 to 1789, in the sum of 113,000*l.* But there is another position which they cannot deny, and which is fatal to that argument that supports the pension list, on presuming the ability of the nation. Sir, you this moment exceed your income; you exceed it in the sum of near 100,000*l.*, notwithstanding this casual payment to the minister for New Geneva. What becomes of the argument of those gentlemen now? Sir, there is another position which they cannot deny, and that is, that they now want a loan of near 200,000*l.*, which they wish to postpone; but they admit the fact. Their argument, therefore, founded on the prosperity of your revenue, is a false confidence, founded on a fallacious statement. Their other argument, founded on the prosperity of the nation, let us examine that.

The country is rising in prosperity! it is true. We prevailed, — we, on this side of the House, with the assistance of the people, got for the country a free trade, and a free constitution; without the assistance, and in direct opposition to some of the gentlemen on that side of the House now in her government; gentlemen who took no part, or took a most hostile and wicked part on those great occasions. Yes, Sir, we prevailed against those deserters of the pretensions of their country, of her trade, and her constitution; the consequence of their defeat and of our victory was, that the country, free from restrictions, shot forth in prosperity and industry, not by the virtue of her present ministers, but by her own native vigour, which their oppression is no longer able, and which their corruptions have not yet been able, to subdue.

This country is placed in a sort of interval between the ceasing of a system of oppression, and the formation of a system of corruption; the former affects her no longer; the latter has only began with the walls of certain august bodies, and will take time to propagate all its poisons into the mass of the country; but go on for ten or twelve years as you have done in the last five; increase in the same proportion your number of parliamentary places; increase, as you have done your annual charge, every five years of peace 183,000*l.*; get every five years new taxes, and apply them as you have done, and then the minister will find that he has impaired the trade and agriculture, as well as destroyed the virtue and the freedom of the country.

There is no object which a course of corrupt government will not finally ruin.— morality, constitution, commerce, manufacture, agriculture, industry. A corrupt minister issues forth from his cabinet like sin and death, and senates first wither under his footsteps; then he consumes the treasury, and then he corrupts the capital, and the different forms of constitutional life, and the moral system; and, at last, the whole island is involved in one capacious curse from shore to shore, from the nadir to the zenith.

Yes; the country is a great and growing kingdom; but were the physical blessings as sparingly dealt out as those which proceed from her present government; were she as much cast off by Providence as by her ministers, I own I should think her *a country too lost, to be defended.*

Yes! Ireland is a great country, 4,000,000 of men and near 5,000,000 of export; look at your ministers; there they are; I do not ask them — but I ask you, are they, are such men — the public eye beholds them — are such men fit to govern such a country? Contemplating with due reverence, as they

ought, the majesty of the people of Ireland, men such as they are, should feel in her growing consequence a sense of their own unworthiness, and a lesson to their presumption.

The House divided; for Mr. Forbes's motion 92, against it 136; Majority against the motion 44. Tellers for the Ayes Mr. Forbes, Mr. Conolly. Noes, Mr. Marcus Beresford, Sir Richard Gorges Meredyth.

SALE OF PEERAGES.—PURCHASE OF SEATS IN PARLIAMENT.

MR. GRATTAN MOVES FOR A SELECT COMMITTEE TO ENQUIRE INTO THE CORRUPT AGREEMENTS FOR THE SALE OF PEERAGES, AND THE PURCHASE OF SEATS IN THE HOUSE OF COMMONS.

February 20. 1790.

MR. GRATTAN, in pursuance of notice, rose to make his promised motion, and spoke as follows:

Sir, we persist to combat the project to govern this country by corruption. We have hitherto contended against those parts of the system which proceeded to undermine the constitution without an apparent breach of the law, and, therefore, might impose on the public as a *government by law*; such was the addition of two unnecessary commissioners; such were the unnecessary salaries for four officers of the stamps; such were the additional salaries to four officers of the ordnance; such, in short, the creation of fourteen new parliamentary places, and of eight or nine parliamentary pensions, in the course of less than twelve months. These measures import their own criminality, and bespeak, on the part of His Majesty's ministers, a design to govern this country by sapping the foundation of her liberty. They called upon us to disallow them, they called upon us to withdraw our confidence from the ministers by whom they were imposed; but they went no further. They did not appear to be accompanied with any overt act whereby the criminal designs of their authors could be substantiated by evidence enough to punish their persons. They were a good reason for dismissing the ministers for ever from His Majesty's councils; but there as yet appeared no grounds for personal punishment.

But there is another part of this project wherein His Majesty's ministers have not only attempted to undermine the constitution, but have actually broken the laws; for that part of the project, we conceive His Majesty's ministers to be impeachable. Sir, the sale of honours is an impeachable offence; the crime speaks itself. But to take the point out of doubt, I will state you a case: the Duke of Buckingham, in the reign of Charles I., was impeached on thirteen articles, and the ninth article was the sale of honours; the very crime of which the ministers of Ireland have been guilty! he was impeached for the sale of a peerage to Lord Roberts for 10,000*l.*!

The House of Commons, in support of the impeachment, stated the heinousness of perverting the ancient and honourable way of obtaining titles of honour. They urged the crime of taking away from the Crown the fair and frugal way of rewarding great and deserving servants. They stated the crime of shuffling promiscuously and confusedly together, those of inferior alloy, with those of the purest and most generous metal. They urged that it was a prodigious scandal to the nation, and that for such offence, precedent there was none; and then they call for justice on the head of that man who, by making honour saleable, had rendered it contemptible.

But there is a circumstance in the offence of the Irish ministry, which is not to be found in the case of the Duke of Buckingham; they have applied the money arising from the sale to model the House of Commons. This is another impeachable offence. That minister who sells the honours of one House to model the representation of the other, is impeachable for the last offence as well as the first; he makes a wicked, and scandalous, and illegal use of the prerogative of the Crown, in order to destroy the privileges of Parliament. He makes the two Houses of Parliament auxiliary not to support, but to contaminate one another. Thus he is a conspirator against the legislation; attacking it in both Houses of Parliament, and poisoning the two great sources of the law. But this practice corrupts also the dispensation of justice, as well as the fountains of the law; the sale of a peerage is the sale of a judicial employment of the highest judicial situation; a situation whose province it is to correct the errors of all other courts; such a sale goes against the common law, and against the spirit of every statute made on the subject. There is an act in England, the sixth of Edward VI., against the sale of judicial employments, or employments that in any wise touch or concern the administration of justice. This is an English act; but there is an act in the reign of

Richard II., adopted here, prohibiting the sale of judicial offices; it is a practice reprobated in pointed terms by Lord Coke, and if authority were necessary to mark out its criminality, it stands condemned. Sir, had the ministers of the Crown only agreed to sell one peerage, and apply the money to purchase one seat, they had been guilty of an impeachable offence; but it is not one or two instances; it is a traffic they have introduced; a trade or commerce, or rather brokerage of honours, and thus have established in the money arising from that sale, a fund for corrupting representation. Thus they are guilty, not of one impeachable offence, but of a project to undermine the fundamental laws of the land. It is not that they are delinquents; they are conspirators! conspirators against the public weal, and, as such, they make it necessary for us to proceed against them by the way of impeachment; with respect to the impeachable nature of the complicated and systematic offences of which these men have been, and are now guilty, there is no doubt. The second question is, whether their crimes are now ripe for a penal proceeding? Here permit me to state what incontrovertibly is the law of Parliament, supported by precedent, and expressed in resolution, "Common fame is a ground for enquiry in this House, or for transmitting to the King or the Lords."

You will find this principle supported by a number of precedents. In the reign of Henry IV., the Commons presented to the King, his confessor, and a great part of his court, on common fame. In the reign of Henry VI., the Commons petitioned for the removal of the Duke of Somerset, and a great part of the court, on common fame; they desired that these men may be banished the King's presence during their lives, and prohibited to come to his court, and the petition had the desired effect. In the same reign the Commons proceeded against the Duke of Suffolk, on common fame, and desire of the Lords that he may be committed to the Tower; the Lords confer with the Judges, and answer that they saw *no good* cause for his commitment, unless some special matter was objected; whereupon the Commons, by their Speaker, appear at the bar of the Lords, and inform their lordships, that the Duke of Suffolk had, *as was said*, sold the realm to the French, and provided his castle with warlike stores; whereupon the Duke of Suffolk was committed to the Tower. There is another case in which the point was particularly argued, and the question put, whether common fame be a ground for enquiry here, or for transmitting to the King and the Lords, and the question was carried in the affirmative by a great majority. It was the case of the impeachment of the

Duke of Buckingham, which I have already cited. There it was argued in a Parliament as unimpeachable and respectable as ever sat in England, and determined as I have stated. The persons that supported the proposition were many: I will mention three, Lord Strafford, then Sir Thomas Wentworth, was one; he says, emphatically, "you enquire and accuse upon common fame," he gives his reason; the other is Mr. Seldon; and the other that eminent lawyer, Mr. Noy, an authority, not indeed of weight against privilege, but for privilege the highest, because the testimony of an adversary in her favour. The ground of enquiry, he says, is two-fold; first, common fame; secondly, whether that fame be true; they could not transmit without the first be common, but without particular enquiry they might; for it might happen they could not get witnesses, suppose the witnesses to be of the House of Lords.

They observe that such a principle is necessary, and the only security for the punishment of great men: The Commons then resolve the propositions as I have stated them to be, and afterwards resolve themselves into select committees of enquiry into the conduct of the Duke of Buckingham.

Thus, I infer two things: First, that the ministers of this country are guilty of impeachable offences. Secondly, that those offences are ripe for parliamentary proceedings.

Give me leave now to dwell a little on the consequence of their crimes, and the necessity of bringing the criminals to punishment.

I will lay before you their project of government, considering it first as an instrument of domestic government; and, secondly, as a bond of connection.

As an instrument of government, it is very powerful indeed; for it will make the minister not only strong, but completely absolute. He will first buy the question, and afterwards favour you with the forms of debating it. He will cry up Parliament when it is venal, and cry Parliament down when it feels the stings of remorse. He will be soon, however, raised above the necessity of those artifices; for the ascendancy he will obtain will not only secure a majority on all ordinary occasions, but deprive the people of the chance of a majority on any, and will procure a legislature ready to allow any expence, and overlook any crime, and adopt any measure according as the divan of the Castle shall give to its janissaries here, the word of command. Thus will this country lose, not indeed the existence of Parliament, but whatever benefit can be derived from it. The consequence of this must be that the court will be free from control; and free from control, its

first idea will be plunder. Do not imagine that opposition alone makes government extravagant. Some past administrations in this country prove, that the most licentious thing imaginable is a little Castle presuming on the langour of the people; too low to think itself responsible to character, and too shifting to be responsible to justice. Remove from such a court the dread of Parliament, and they will become a political high life below stairs; carrying not only the fashions, but the vices and the insolence of their superiors to outrageous excess. From the infamy of the court, the discredit of the executive power follows natural and rapid. When I say discredit, I do not mean merely unpopularity. I see some who would make a merit of being publicly obnoxious, and would canvass for the favour of the British minister, by exhibiting the wounds of their reputation. No; I mean the loss of the esteem of all moderate and rational individuals. Already such men are disgusted; they are shocked at your pension list; they are alarmed at your place list; they cannot approve of what they know to be your only principle of government, the omnipotence of corruption. We know you do not love us. I do not mean as individuals; but we know the present ministers do not love Ireland. This we collect from their measures, and this we collect from their manners; manners which come immediately from the spring of action, and are a faithful guide to the principles of the heart; but the executive power will not be involved in discredit and disgrace, without also affecting the character of the laws? Do you imagine that the laws of this country can retain due authority, under a system such as your's, — a system which not only poisons the source of the laws, but pollutes the seats of judgment; you may say that justice between man and man will be faithfully administered, and you will set up the private dispensation of the laws as an apology for their political perversion; but even that private dispensation will not be long pure when you sell the power of that dispensation to every man who will give you money. Nor can the laws in a free country long retain their authority, unless the people are protected by them against plunder and oppression; nor can that long be the case, unless the body who is to make, and the body who is to decide on the laws, be themselves protected against corruption. The present administration, therefore, is an enemy to the law; first, because it has broken the law; secondly, because it has attempted to poison the true sources both of legislation and of justice; and however the friends of that administration may talk plausibly on the subject of public tranquillity, they are, in fact, the *ringleaders of sedition placed in authority.* Rank majorities

may give a nation law; but rank majorities cannot give law authority.

But there is another circumstance attending the project, which should naturally have weight with ministers. I mean the difficulty of carrying this pernicious project into full exertion. Do not gentlemen imagine that the country will at last *find them out*, will discover, that this multiplication of placemen, increase of pension, sale, or rather indeed, brokerage of honours, is a conspiracy against her, not against the aristocracy, but against Ireland?

If the nature of the measures did not import their own criminality and mischief, yet the conversation of the projectors has been full and explanatory on the subject. "Any money for a majority: give us the treasury, and we buy the Parliament." But conversations of this sort have even entered these walls. "These new charges are POLITICAL EXPEDIENTS; IRELAND WAS SOLD FOR 1,500,000*l.* FORMERLY, AND IF OPPOSITION PERSISTS, WILL BE SOLD AGAIN."

Sir, the servants of government have forgotten to talk plausibly to the people of Ireland on the subject of corruption, and have given the licentiousness of their conversation against the chance of their character. But suppose this country and Parliament, however warned, willing to submit to the injuries, will they submit to insults? What are your measures, but national indignities? What are these old hacks, now confidential ministers, and the pert people they put forward in debate, but national indignities? But supposing the country and her Parliament willing to submit to injuries, and willing to submit to indignities, yet will they submit to the new taxes, which those injuries and indignities will make necessary? The waste and corruption of your ministers have exceeded your revenues; an excess much condemned and much increased by the Marquis of Buckingham. Will this country be ready to supply both an extravagance which that minister condemned, and a corruption which that minister has avowed? Supposing the country willing to give up her liberty, and willing to give away her money, yet will she surrender her money, merely for the purpose of enabling such a set of ministers to take away her liberty?

I have considered the project of the present administration as far as it is referable to internal government; let us examine it now as a bond of connection. Here I will consider the ministers merely as trustees for British government; I condemn them as pernicious and incapable men in the discharge of this relationship. I condemn them as enemies to British government in Ireland. Some of those who now have a sway in the government, acceded to power, when the great points

were settled. There was a fever, a fever somewhat fomented, if not raised by their own connection, the fever was high, but the strength was exhausted; there was a swell in the sea, but a swell after the storm, and the certain forerunner of approaching calm. They had not, like Lord Carlisle, the armed pretensions, nor like the Duke of Rutland, the enthusiastic gratitude of the nation for liberty restored, nor, like Lord Northington, a momentary impatience of that freedom to tremble at; they had not a treacherous alliance with some of the old court to guard against. They had in their support the moderation of some, the fears of many, the influence of the Crown, the weight of the aristocracy, and the lassitude of a spent people; they had two lines of conduct, the superior one, for instance, to secure the independency of their Parliament on the minister, by certain wise provisions, to improve their commerce by equitable regulations, and to establish economy by specific statutes. Here we find them a perfect blank, the restoration of the powers of Parliament has in their hands been not one law, not one provision, not one regulation for improving or securing the constitution, or the commerce of their country; they had another line, the inferior line, to avoid the old tricks of the Castle, to keep clear of the practices and principles of the old court, to keep their hands from picking and stealing. In this advantageous situation, they generate for themselves difficulties and disgrace, and begin by resorting to deception. An address in the close of 1784, which tended to protecting duties, was made a ground for certain propositions, which should render such duties, in all times to come, impossible. I will not enquire into the nature of the famous propositions, nor point to the wounds which commerce and constitution must have received from them, nor discuss how far some of the persons concerned in that business were justifiable, as they were most certainly consistent in cramping the trade and surrendering the freedom of their country. But there were two circumstances attendant on that measure, which all persons must acknowledge and condemn; first, the duplicity of the British court; secondly, the marvellous and interested pliability of the Irish court. It were first proposed as an ultimatum, and one proposition contained a supply; they superadded nine, and having perverted the whole system, took the supply, and left the servants of government to deny the fact of any essential alteration. Were the ministers more faithful in the application of the new taxes than in their manner of acquiring them? What was the return for the new taxes? A new pension list of 7000*l.* a year, from which the British government drew much scandal and no strength: I do not ask you, why a prodigality of Irish money, but why a

prodigality of the character of government, without an addition to its strength.

Next follows the frenzy of the park expence; then the shuffle and exchange of tenure in the pension list. Here I do not question His Majesty's minister on the point of honesty, but why this improvident application of their own corrupt principles? I do not ask them, why commit crimes, but why crimes from which the British government derived no advantage? Next follows the police, a measure which certainly gave the minister an influence in the corporation, but damned him in the city. These were the errors of a government which the Marquis of Buckingham succeeded. This great reformer came to bind up these wounds, but first he exposed them to the public; how he fulfilled his professions we all know. This minister found the government blemished by expence; he blasted it by hypocrisy; the jobs which he condemned he supported; the measures that would prevent the repetition of those jobs he opposed. Having renounced his pretensions to principle, he sets up the standard of party against the second personage in His Majesty's dominions; and in conducting such a party, he adopts such a doctrine as was certain not only to invade the rights, but shock the pride and feeling of the nation. Without now discussing the unconstitutional principles advanced by government on the question of the regency, doctrines so justly stigmatized, permit me to speak of their impolicy. They procured the censure of the two Houses of Parliament, declaring the principles of government to be hostile to the constitution; but the censure only went to their principles, as far as they related to the constitution; but what the censure omitted they themselves supplied. They proved their principles to be as corrupt as Parliament had pronounced them to be unconstitutional; they resorted to all the desperate arts of corruption; they augmented the pension list; they multiplied the place list. There is an agreement that the boards of accounts and stamps should be united; that agreement they violated. There is an agreement that the revenue board should be confined to seven commissioners; that agreement they violate. There is a King's letter, declaring that the salaries of the ordnance shall be reduced; that declaration they violate. There are principles and law against the sale of honours; those principles and the law they have violated. At last, they turn public brokers, set up the peerage of the realm to auction, make the sale thereof a fund for modelling the House of Commons, and involve themselves in offences, which are not only corrupt but illegal; offences directly against the rights of the people,

and the fundamental laws of the land. While they are commiting those misdemeanors, they insinuate they are acting for the support and strength of British government; practices which offend laws, principles which shock morals, they alledge are resorted to for the sake of British government, aggravating their crimes against that government, by their disrespectful apology. The minister of that government they describe as, holding a conduct diametrically opposite to their own; they praise him for economy, for a regard for the rights, and a respect for the opinions of the people, and, above all, for an aversion to the hackneyed arts of corruption, and then they serve that minister in Ireland on maxims the reverse of those for which they flatter him in England. They renounce economy, trample on the rights, laugh at the opinions of the people, sell the peerage of the realm; model the representation of the people, and not only practise, but avow the hackneyed arts of corruption. Thus they teach this country to believe, that there are two systems of government for the empire; an auspicious one, as they say, for England—a sinister one, as they prove, for Ireland; and then they hope that this country shall be satisfied with the distinction.

As far then as the character is strength, they have deprived the British government of that succour; but they have procured other aids; they have gotten an immense revenue. No; your expences exceed your income; they did so before that great reformer, Lord Buckingham, added to all the jobs of the nation. In 1785, the minister came to this House with his estimate of tax and of expence; the experiment whether the minister of Ireland, under the present direction, could supply all the expences, he would venture to state, by all the revenues he could venture to ask. The result of the experiment has been against him; he cannot. The government is now supported by lottery. It got above 168,000*l.* increase of revenue after payment of bounty and drawback, but it netted only 67,000*l.*; that it netted so much, was due to a stratagem which pilfered from the loan. That it netted *so little*, was owing to the increase of the expence of collecting of the revenue, an increase equal, in five years, to 205,000*l.*; or, in other words, owing to the rapacity, the incapacity, and the jobbing spirit which preside at the revenue board. It appears, on a survey of your accounts, that you have exceeded your *old* duties, and have exceeded your new duties, and have exceeded your estimates of expence, and have increased the *whole* of your debts in peace, notwithstanding your new taxes granted to prevent its accumulation. On the whole survey of your

accounts, I therefore say, you discover a policy containing the principles of national dissolution.

I do not describe this policy as hostile to Ireland; a country you do not love; but so very hostile to Ireland, as to touch even the interest of the British court, a court you may not love, but a court which you certainly mean to flatter.

I say, therefore, the present ministers of this country cannot govern Ireland; they cannot govern Ireland for England. I do not call corruption government. They have procured for British government neither character sufficient to command respect, nor revenue sufficient to pay the establishment: but then they have gotten other strength; they have gotten the support and good will of the nation. No; the loss of the nation's good will is synonymous with the loss of reputation.

The measures these men have pursued, the violent principles they have advanced, and the tone in which they have spoken to this country, must have long lost them the opinion of the public. Before this country can have any confidence in them, she must lose all confidence in herself, and surrender all her tenets, maxims, and principles on every constitutional and commercial subject; she must forget the propositions, the park extravagance, the police, the pension list. After an experience of years, your country, taking an impartial survey of all your offences — your country perhaps, in the prodigality of mercy, may, if she pleases, forgive, but surely she can never trust you.

The independent country gentlemen, have you gotten them? No; they never can support a minister who practises extravagance, and professes corruption; supporting such a minister, they would be country gentlemen no longer — they would be the servants of the Castle, out of livery. They must see and despise the pitiful policy of buying the country gentlemen by an offer to wrap him up in the old cast-clothes of the aristocracy, — a clumsy covering, and a thin disguise, never the object of your respect, frequently the subject of your derision. The country gentleman must recollect how seldom he can procure even an audience from that bench, except when he deserts his cause and his country. Place him on his native hills, and he is a protection against the storm; restore him to the hot-bed of the Castle, and he degenerates.

As to the aristocracy, I will not say you have alienated every member of that body; but I do say, you have alienated as great, as respectable, and as formidable a part of that body, as ever stood in the phalanx of opposition; and you have not only given them every personal provocation, but every public topic, and every public provocation, to raise on their side the

interest, the feelings, and the voice of the community. You have not, however, left yourselves without some part of the aristocracy of the country, but that part you have endeavoured to leave without any kind of reputation, by directing against the aristocracy of Ireland in general, the whisper of your Castle, and the scurrility of your press, reducing all men to the level of your own reputation. Thus, the result of your project has been to render British government in this country as feeble and contemptible as the tendency of your project is to render the Irish constitution corrupt and dependant. For the sake of both nations, therefore, we oppose it; but how defeat this project? — certainly not by a plan of self-defence. It is a maxim of war, that the body that is ever attacked, and only defends, must finally be subdued. It is therefore on a principle of self-preservation, that we resort to the good old method of impeachment. We have long disputed about this pension and that place, until, inch by inch, we are driven into our trenches by a victorious enemy. It is now necessary to change our system of action, and to come forth with the power of the constitution to punish the enemies thereof. We call this House, whose foundation the minister now undermines, to witness that we are compelled to this, and that these men have, by a multiplication and repetition of plunder, prodigality, corruption, insult, outrage, and misdemeanors, brought forth at last the reluctant justice of the nation. The great influences which the philosopher tells you, are necessary to bind together the moral system are wanting here, — the influence of opinion, of future and sublunary punishment. The two first the ministers disregard; be it our province to introduce into this region the last, that His Majesty's ministers may be sensible there is a vindictive justice, and that there is in this country a power competent to inflict that justice upon them. Gentlemen come over to this country for a livelihood, and they find servants who, like themselves, look to government for nothing but a livelihood; and this alliance, that does not include an idea of public care or duty, they call an administration; but it is our task to interrupt this venal commerce by impeachment. Had the people of England only condemned ship-money, they had done nothing. No; they brought forth to public punishment the projectors; they exhibited the malefactor at the bar of the nation. The injuries you have suffered, demand a spectacle of that kind — a state offender kneeling at the bar of the Lords, and impeached in the name, and on the behalf of the Commons of this realm. I therefore move you, "That a select committee be appointed to enquire, in the most solemn manner, whether the late or pre-

sent administration have entered into any corrupt agreement with any person or persons, to recommend such person or persons to His Majesty as fit and proper to be by him made peers of this realm, in consideration of such person or persons giving certain sums of money to be laid out in procuring the return of members to serve in Parliament, contrary to the rights of the people, inconsistent with the independency of Parliament, and in violation of the fundamental laws of the land."

The motion was seconded by Sir Edward Newenham. It was opposed by the Chancellor of the Exchequer (Sir John Parnell), Lord Headford, Mr. Mason, Sir Boyle Roche, the Prime-serjeant, the Attorney-general, and the Solicitor-general. They said, that the charges consisted in assertion, without proof; that they were brought forward on the simple assurance of the mover; that common fame was not ground to go upon in such a case; that the administration had done public service to the country, and the spirit of outrage and disturbance had subsided. Mr. Mason said, this was an attack on the prerogative of the Crown, and that the peers alluded to were made, not in consequence of a corrupt agreement with Lord Buckingham, but that the Duke of Rutland had promised to exalt those individuals to the peerage, and would have performed it, had he lived.

The motion was supported by Mr. G. Ponsonby, Mr. Hardy, Mr. Dunn, Mr. Forbes, Sir James Cotter, Mr. Curran, and Mr. Conolly. They contended, that common fame was a sufficient ground of accusation. Mr. Selden and Mr. Pym, even Sir Thomas Wentworth and Mr. Noy, two most unconstitutional men, had agreed on this point. The present was a stronger case than that of the Duke of Buckingham. He had been accused of selling seats to gratify his personal avarice; but here the government have sold seats to corrupt the House of Commons. The case of Lord Oxford in 1715, and Sir Robert Walpole in 1742, justified Mr. Grattan's mode of proceeding. Mr. Conolly and Mr. Forbes said, that the government had not denied the fact. Mr. Curran said, "I pledge myself to prove it."

Mr. GRATTAN said: Sir, I rise to reply to two points only; other gentlemen on this side have made it unnecessary to reply to more.

It has been said, that common fame is not ground for enquiry. It has been said, that this charge is the simple assertion of an individual, and not grounded on common fame. As to the first, gentlemen combat all precedents previous to the Revolution. Sir, there have been precedents since the Revolution of parliamentary penal proceedings, founded on common fame; but gentlemen betray a melancholy ignorance of the history of England, when they suppose that precedents previous to the Revolution are of no avail. I ask them, what

was the Revolution? What but a transaction founded on previous precedents and principles. The declaration of right at the Revolution, is founded on the petition of right which passed before the Revolution in 1628, in the reign of Charles I., from whence I adduce my principal precedent. The truth is, that all the great principles and precedents on which the British constitution was formed, are drawn from a period previous to the Revolution. Need I remind gentlemen of the great charter, and of the great struggles in the reign of Charles I. against arbitrary commitments, and against illegal levies, all previous to the Revolution, and previous to the period of the troubles; but I apprehend, gentlemen on the other side of the House, learned as they are in the law, profound as they are in their own profession, have not directed their studies to history; that important branch of knowledge has escaped their attention, and therefore on this subject they show themselves absolutely illiterate — confident as lawyers, gross and illiterate as historians. They speak of the troubles of the reign of Charles I. as circumstances which should destroy the authority of every transaction which took place under that reign; they forget that the troubles did not take place till 1641, and that the case I have here quoted took place in 1636; they forget that the ablest and the most productive geniuses flourished at the period to which I have referred, and that the force and fire of that period communicated its virtue to after ages, and taught posterity what were the rights and pretensions of the people of England. The ignorance which gentlemen have shown of English history in general, they apply to the precedent which I have adduced, and show that the law of Parliament has made as little a part of their studies as the history of England; they have been better employed, perhaps, than by applications to such studies. Those gentlemen are ignorant of proceedings of Parliament, and the principles on which these proceedings are grounded. They assert, that common fame is not a ground for enquiry here; I *directly* contradict them, and desire them to go to their studies and inform themselves better. Now, it seems, they correct themselves, and only say, it is no ground for a penal proceeding; in which I again contradict them, and desire them once more to instruct themselves. It is expressly determined, that common fame is a foundation not only for enquiring here, but for transmitting to the King or the Lords, and the practice has been adopted in Great Britain in Parliaments, whose authority they will not attempt to deny, when they inform themselves on the subject. The reason and necessity of such a principle, as well as its existence in the grand inquest of the

nation, they will understand, when they once understand the nature, properties, and duties of the assembly of which they are members. They tell you, that the sense of the most respectable part of the House was against the resolution that passed in the second of Charles I., 1626, namely, that common fame was a ground for parliamentary enquiry. Ignorant men! where is the history, where is the account of all this? It is not so; not one syllable of it; they do not know the history in general, nor this part of history in particular: the fact is directly the contrary to their assertion. There was not only a majority of the House of Commons in favour of the resolution, but there were very few men and no great name against it. I do not mean to answer the gentlemen on the other side on this subject, but I will instruct them, After having shown an ignorance of history, and an ignorance of this part in particular, they proceed to make charges against the present opposition. They say its object is to destroy all government; and the proof which they adduce of such an intention, is our proceeding to punish men who have been guilty of a violation of law, and of corrupt agreements to destroy the representation of the people in one house, by sale of the honours of the other. If gentlemen mean by government, such a sort of government as they or their corrupt patrons support, a government by corruption, then indeed they are just in charging us with an intention to destroy government, for we certainly do mean to punish and reform that little system of profligate politics which they and their friends attempted to introduce into this country. It is our intention to bridle and eventually to punish that little junto, that has neither public principle, nor public care, nor public purity, nor even temper or decorum, and yet presumes to call itself the government of the country.

The next proof gentlemen adduce of the ill intentions of opposition, is, that it not only means to punish the crimes of the country, (by which I mean her present ministers) but means to relieve the country by a place bill, a penson bill, a responsibility bill, a bill to repeal the present police, a disqualifying revenue-officers' bill, and a discontinuance of all the new charges imposed by Lord Buckingham, and these salutary laws and measures (laws and measures which their crimes have made indispensable) they state as proof of our criminal intention towards Ireland, and call it, I think, a beggarly account of empty boxes, alluding to some image in a play, and concluding rather with a jest than an argument.

Sir, the second point is, whether the charge which we submit is founded on common fame? And they say that it is only

my simple assertion, indeed! Will they rest it on that? Will they assert it is only a simple assertion? I do not assert only that, I have heard it commonly said, and specially stated, the sums, the persons, the circumstances; but I said I never heard it out of these walls, denied. It is a crime as generally known, and as publicly reported, as any thing which is not yet reduced to special conviction; it is a crime we offer to prove; we come here to arraign the ministers of the crown. I will read the charges which I make against them.

"We charge them publicly, in the face of their country, with making corrupt agreements for the sale of peerages; for doing which, we say that they are impeachable. We charge them with corrupt agreements for the disposal of the money arising from the sale, to purchase for the servants of the Castle, seats in the assembly of the people; for doing which, we say they are impeachable. We charge them with committing these offences not in one, nor in two, but in many instances; for which complication of offences, we say they are impeachable; guilty of a systematic endeavour to undermine the constitution in violation of the laws of the land. We pledge ourselves to convict them; we dare them to go into an enquiry; we do not affect to treat them as other than public malefactors; we speak to them in a style of the most mortifying and humiliating defiance. We pronounce them to be public criminals! Will they dare to deny the charge? I call upon, and dare the ostensible member to rise in his place, and say on his honour that he does not believe such corrupt agreements have taken place. I wait for a specific answer.

Major Hobart said: "I rise to say, that if I could think the right honourable gentleman had any right to ask me the question he has proposed, and were I alone concerned in it, I should find no manner of difficulty in answering him; but as it is a question which relates to the exercise of His Majesty's undoubted prerogative, it would ill become me, upon the instigation of an individual, to say what were the reasons which had induced His Majesty to bestow upon any persons those honours which the Crown alone can constitutionally confer."

The House divided; — for Mr. Grattan's motion 88, against it 144; Majority against Mr. Grattan's motion 56. Tellers for the Ayes, Mr. George Ponsonby and Mr. Curran; for the Noes, Lord Headfort and Lord Delvin.

POLICE BILL.

February 24. 1790.

MR. HARTLEY stated, that the police bill was considered by the citizens of Dublin as exorbitant in point of expence, and defective in affording them protection, and that it gave to the government a great and dangerous influence in the corporation; and he therefore would propose the following resolution: "That the establishment of the police in the city of Dublin has induced a considerable charge on the citizens, without affording any adequate protection, and tends not only to render the corporation dependant on the administration, but also the magistracy of the city less respectable in the opinion of the people."

The resolution was opposed by the Chancellor of the Exchequer (Sir John Parnell) and Alderman Warren, who denied the expence was as great as had been stated. It was supported by Mr. George Ponsonby, Sir F. Hutchinson, Major Doyle, Sir Edward Newenham, Mr. Ogilvie, Mr. Brownlow, and Mr. Arthur Browne. They asserted that the police establishment was unsatisfactory to the citizens; that it was unconstitutional; and that it gave the government an undue influence in the city. The police was a military body under the command of government: it should be a civil body under the control of the city.

Mr. GRATTAN. Sir, the honourable alderman has spoken to a point which is not before the House, and to which he could not speak without impropriety; and he has omitted to speak to that point which is before the House, and to which he could not decline to speak without a confession of an insufficient discharge of his duty. He has taken very great liberties with his constituents, and he has not attempted to defend himself or the police. He has told you, that the persons who are active in the nomination of the noble lord and myself, did, upon a former occasion, foment sedition; the alderman ought to have recollected, that those persons are not here to defend themselves, and, therefore, his reflection on them is unmanly; if they were here, they would defend themselves in a manner and style which the honourable alderman, I apprehend, would be but little able to answer. As to the riots of the time to which the alderman alludes, I have always been of opinion that the principal cause of these riots were some of the persons with whom the alderman is connected. The honourable alderman has reflected on the different corporations, and has told you that they will not adhere to their engagements of support; and that the engagement of returning candidates free from expence will also be violated. I am ashamed to reply to so unworthy

an insinuation, but I must observe, that no man can, without the grossest indecency, traduce his own constituents; that, with respect to the faithful adherence of the citizens to their promise of support, I have implicit confidence, and with respect to expence, I must tell the alderman, that I am not to be deterred by that unwarranted insinuation. I must always recollect that I OWE MY FORTUNE TO THE PEOPLE, AND THEY HAVE A RIGHT TO COMMAND IT. The honourable alderman had spoken in praise of the nomination of the board of aldermen, and has accompanied his reflections on his constituents in general, with a panegyric on that body in particular. With respect to the aldermen, I shall observe a perfect silence; I shall say nothing to the prejudice of any body of electors, however small a part that body may be of those to represent whom I aspire. I disapprove too much of the alderman's example, to follow him on this occasion. The honourable alderman has said, I sought protection from a guard against the mob. It is not so. There was a patrole sent, without my application, to the street where I lived; but I wrote to the Lord Mayor, to inform his Lordship, and I requested the patrole might be withdrawn.

Sir, with respect to the question, to which the alderman has *not* spoken, indulge me with a few observations. The gentlemen on the other side deny the charge of expence and of influence. With respect to the first, they make out a calculation, which is not founded in fact; they tell you that the police charge is not more than 13,000*l.*, per annum; in which statement they suppress 2900*l.* a-year given to the commissioners and divisional justices, which additional charge they cannot deny, though they attempt to conceal, and then the annual charge will be, not what they have intended to state, 13,900*l.* but a sum near 16,000*l.* Thus their defence is false in calculation; it is also fallacious in argument. Does it follow, because the expence is only 16,000*l.*, that, therefore, it is not too great? 16,000*l.* for the protection of the city of Dublin, as it is now protected! Does it follow that the commissioners, who formerly charged 20,000*l.* for the police, which, by their own reductions, appears to be an imposition, do not still continue to impose an unnecessary, though a reduced expence on the public? Will the gentlemen say, that the charge for patronage which still remains, the salaries to the commissioners of police, and the divisional justices, and the expence of their establishment, is not unnecessary? You have every reason to believe that the general charges are too great, and conviction to incline you to think these charges in particular are improper, when you consider that these reductions have

been made with reluctance by the men who are convicted of past extravagance, and who, though they must, from fear, make certain reductions, will not adopt a real and honest system of economy. Sir, their confidence in the present alleged economy of the police, is rendered the more suspicious, when we see that the taxes which appear by the return to be 17,000*l.* are retained, in order to support an establishment, which they allege to be no more than 13,000*l.*; and their professions are the more suspicious, because the very same men who appear to have formerly mismanaged this establishment, are still all continued in their offices.

Sir, gentlemen in stating the present reductions have said, that they are made in consequence of the objections of the police committee, that reported the last session. They allow, then, the benefit of that committee; they acknowledge the savings are due to their report. Now, what became of that report? It was rejected. By whom? By the very gentlemen who now bear testimony to its utility. Thus these gentlemen justify us in every former step taken with respect to the police, and of course impeach themselves for the insolent and violent resistance which they made to those steps, now acknowledged to have saved this city several thousands a-year. Let this teach the gentlemen, a diffidence in their present opinions on this subject, and incline them to own, that it is a subject in which they have been uniformly erroneous.

Gentlemen talk of the protection afforded by the police. I will tell you to whom it is a protection, and to whom it is not; it is a protection to the obnoxious member of Parliament; it is a protection to him who has not innocence to protect himself; it is a place army for corrupt men. I will tell you to whom it is not a protection; it is not a protection to the citizen; it is not a protection to him who has not servants to protect himself against the robber. The minister laughs at his injuries; he cares not for the peace of the city, but for the peace of the minister in the corporation.

Sir, as to the after-part of the question, the influence attendant on the police, when gentlemen deny that fact, they are ridiculous; they got an ascendancy in the corporation by this bill; such an ascendancy was the principle object of the bill. They say, they have no influence from this bill, because the present government has lost the confidence of the city; it is true; but why have they lost it? — By making an attempt on the corporation. Gentlemen must distinguish between the city and the corporation. A minister may be, like the present, weak and contemptible in the city, and yet very strong in the corporation; and the undue and corrupt attempts of

that minister to make himself strong by venality in the corporation, shall make him hated in the city. There is no contradiction in this, but a natural and necessary connection, that in a very large capital, a very corrupt government like the present shall have influence where his money can reach, but with the citizens in general, who cannot be affected by his bribery, shall have neither influence nor reputation. The question before you is a proof of this; an honourable member who makes this motion, and who has long represented this city with honour, is an evidence of this; he who is new retiring from the representation of this city *, and from his seat in the senate, makes his last motion, in which he protests against this police, on the part of his constituents and himself, possessed as he is of their confidence, and disinterested as he is in this question, except as far as an honest man must be interested against a dishonest and corrupt measure.

The question was then put on Mr. Hartley's motion; — Ayes 94, Noes 140; Majority 46. Tellers for the Ayes, Mr. Hartley and Mr. Arthur Browne; Noes, Mr. Prendergast Smith and Mr. Denis Browne.

PLACE BILL.

MR. FORBES MOVES FOR THE COMMITTAL OF THE BILL TO EXCLUDE PLACEMEN FROM SITTING OR VOTING IN THE HOUSE OF COMMONS.

February 26. 1790.

A BILL, "to disable any person who shall have, in his own name, or in the name of any person or persons in trust for him or for his benefit, any office or place of profit whatsoever under the Crown, created after a certain time, from being chosen a member of, or from sitting or voting in, the present or any future House of Commons," which Mr. Grattan had brought in last session, and which was read a second time and rejected, was, in this session, brought in by Mr. Forbes; and having been read a second time, Mr. Forbes moved that the bill be committed. He stated, that the principle of the bill was recognised. England had for eighty years reaped the benefits of such a bill. In this House there were one hundred and four persons who enjoyed either places or pensions; and, since the last session, fourteen new places had been created and bestowed upon members of the House,

* Mr. Travers Hartley.

The motion was supported by Mr. Brownlow, Mr. George Ponsonby, Mr. Egan, Mr. Conolly, Mr. Curran, Mr. Parsons (afterwards Lord Rosse), and Mr. Grattan. Mr. Brownlow, to show the necessity of the measure, referred to the division on the last question relative to the peerage, when, out of one hundred and forty-four who voted against that question, one hundred and four were placemen or pensioners: and what was the question? — an attack on the independence of the nation; a proceeding most dangerous to the constitution. Mr. Forbes stated, that, in the last twenty months, fourteen new places had been created for members of Parliament; in the last twenty years, forty new places had been created for members of Parliament, and the pension list had been increased 27,000*l.*, exclusive of the pensions that had ceased by death, all which were re-granted. Mr. Conolly declared, that corruption had so increased of late, and the measures adopted by the House were so obnoxious to the country that she would be glad, at some future day, to grant a union with England upon any terms. Mr. Parsons, addressing the minister, asked, "what has our recovered constitution as yet produced? a place bill? no: a pension bill? no: any great or good measure? no: but a city police; a press bill; a riot act; great increase of expence; great increase of pensions; fourteen new places for members of this House; and a most notorious and corrupt sale of peerages. Where will this end? What may not be the catastrophe?"

The motion was opposed by the Chancellor of the Exchequer (Sir John Parnell), Mr. F. French, Sergeant Hewitt, Sir Boyle Roche, the Attorney and Solicitor-generals. They maintained, that the measure proposed was a total change in the principles of the government; that influence was necessary in Ireland; and the business of government could not go on without it. The motion was neither expedient nor constitutional. The Solicitor-general said, it was a measure not suited to the meridian of Ireland.

Mr. GRATTAN. Sir, those country gentlemen who have declared a general confidence in his Majesty's ministers, should have stated some ground for that confidence; for general opinion must be founded on particular facts. What are the fourteen new parliamentary salaries, and a new pension list of 13,000*l.* a-year, added or supplied, whereof you will find eight or nine pensions mediately or immediately parliamentary. Will the frankness of country gentlemen call these, these fourteen new parliamentary salaries, and these eight or nine parliamentary pensions any thing more than measures of corruption? What do they think of these peerages, sold for money to be laid out in the purchase of seats for the servants of the Castle to sit among the representatives of the people? It follows, that the country gentlemen, such of them as now step forward in support of the administration, must either withdraw their confidence, or acknowledge that they give their confidence without any ground whatsoever, and notwithstanding the criminal at-

tempts made by His Majesty's ministers, attempts which these country gentlemen cannot deny, and which they, according to their own principles, must abhor. Sir, those gentlemen may for a time afford their countenance to such an administration; but, in order to keep their credit with their country, they must soon withdraw their confidence from such a government, or forfeit their reputation.

Sir, it is impossible that the gentlemen and yeomen, and the people of this country, must not soon discern the wicked designs of such a government, and resist them by every constitutional means. The spirit of the country is too high to suffer such a set of men, upon such principles, to predominate, to insult, to corrupt, and to enslave. Sir, an honourable gentleman (Mr. S. Moore) has been pleased to re-assert what he said a former on occasion; what he said on that occasion was nothing more than a correct and faithful statement of the principles of the present government, — *corruption!* His indiscretion was great; he has fallen a victim to that indiscretion, and to the profligacy of the government to which he belongs. But he has done no more than discover their corrupt principles, with the rattling manners of a country gentleman, but without the principles. He has advanced and asserted the most desperate tenets of a most desperate courtier. He is a fatal friend, and a useful enemy. Were he on our side, I should have deprecated his candour and implored his silence; being against me, I hope he will go on, and not be deterred by the general and just indignation which attends the promulgation of his unconstitutional and shocking opinions. Countenanced as he is by government, what he delivers is what he collects; and, therefore, he betrays their system of governing by corruption. After delivering principles sufficient to damn the party which he supports, he proceeds to condemn the men and the measures of the body he opposes, — that body with which I have the honour to be connected, and in his condemnation he is (all he can be) a negative testimony in favour of our principles and proceedings; for, after making such declarations, a she has done in favour of a corrupt government, he has left himself no means of serving us except by condemnation. The measures that meet with his disapprobation are, a place bill, a pension bill, a responsibility bill, and the repeal of the police. He tells us, that the people do not wish for these necessary measures, and he challenges the people to come forth in order to declare their sentiments whether they are desirous to support such measures. He appeals to the people. I have no objection to know their sentiments on these subjects; but I must observe, that it is he and his friends on that side of the House who now appeal to

the great collective body of the people, and call upon them to declare their political sentiments on the present emergencies. They certainly are challenged by the advocates of administration to come forth and declare whether they are the friends to a place bill, a pension bill, a responsibility bill, and a repeal of the present police. For these admonitions we are indebted to the gentlemen on the side of government, and particularly the honourable member pleading for all the corrupt practices of a bad government with the thorough principles of a courtier, conveyed with the frank temerity of a country gentleman. That frankness which only befits the cause of truth and liberty, the honourable gentleman unfortunately applies to the cause of venality and corruption. After him another gentleman has come forth, a learned sergeant (Hewit) from the ranks of the other side, with weak artillery, and abundance of little zeal, and he has condemned much, and he has reviled much, and this little, gentle, gentleman thinks himself severe; and he has talked of my appetite for power, and my lust of dominion. There is much inoffensiveness in this gentleman, accompanied with a great wish to be severe. Never was a man more innocent in effect. We never had the power he mentions; and when we appeared to have that power, he passed upon us a most unnecessary panegyric; though now when he sees we have no power, he discreetly utters his little invective, just as well received by us, as his little encomium. Having thus displayed himself in a most harmless way, had he not better retire into the ranks to which he belongs?

Sir, gentlemen in opposition to the bill under your consideration, have told you that it was rejected before, and, therefore, ought to be rejected now. They add, that nothing has happened to make the bill more expedient now, than at the time when it was rejected. Sir, they forgot what has happened since the rejection of this bill; the great abuses of power by His Majesty's ministers, in the creation of new employments, or of new salaries, for the purpose of extending the influence this bill would restrain. They forgot the fourteen new parliamentary salaries, for members of this House, created since the last rejection of this bill; they have by their misconduct made this bill no longer a matter of speculation, but of absolute and immediate necessity. They tell us that we have done very well without such a bill, and, therefore, need not adopt it; as well might they say, that we have existed well under the present laws, and, therefore, need not make any more laws whatsoever. They forget that society exists by annual provisions for its own preservation, and that no free people can long exist in a state of freedom, unless they shall,

from time to time, repair their constitution, and restore and shock back (as is termed) that constitution to its primæval principles. Such has been the conduct of all free nations, and such the sentiments of all learned men who have written on the history of nations. But gentlemen tell us, that the influence of office is nothing; that no member of Parliament is influenced by his place, in the vote he gives in this House. That is an argument which they themselves have repeatedly denied. What have they meant by saying that this country was sold, at first, they told you for half a million, and afterwards they increased the sum, and told you she was sold for 1,500,000*l.*, and that she must be sold again, in order to combat a prevalent opposition? What, I say, did they themselves mean by this threat, unless to confess this very influence of place and pension, which, it seems, they now deny? What did they mean, when it was acknowledged, on their part, that these new parliamentary salaries were, in fact, political expedients? Will the country gentlemen listen to any man on the side of government, when he roundly asserts to them, that no member of Parliament is influenced in the vote he gives by the place or pension he enjoys? But gentlemen are aware of the folly of that argument, and they say that the placemen and pensioners are influenced to support the government in general, but when a great constitutional question, when the existence of the country was at stake, then they would turn out and support the realm! What a fallacious security this! All the intermediate, all the leading questions according to this, shall be determined by an undue and sinister influence, but the being of the constitution shall have a chance for a fair discussion. Are gentlemen aware how much the being of the constitution must be affected in its strength and its health by all those intermediate questions, and how unable, when the last question comes, it may be to make an exertion for its preservation; political mortality is gradual, and if you admit the access of death to all its members, the heart will not revive their functions, but must lose its own.

Sir, I am free to allow, that some placemen will run great risks and make great sacrifices, but let me add, that they are never forgiven for so doing, and that they are discountenanced by government, when they are not dismissed for so doing. Let me also add, that it is the principle of the present government to destroy that spirit in the servants of the Crown, and to enforce the severest discipline, and to destroy those aristocratic bodies from whence such occasional resistance may be expected, by reducing and mincing every thing into small

insulated and abject individuals, who have no confidence in one another, nor respect for themselves.

Sir, in the course of this debate we have been told, that this law, however well suited to England, is inadmissible here. I have wished to hear the reason; I have heard none. We know well that the gentlemen of this country are in principle not more constitutional, nor in fortune so independent as the gentlemen of England. If we are to pay attention to the secretaries who have governed this country, we must suppose that the gentlemen of it have much less virtue and much more want; for these secretaries have not scrupled to declare, that they have found a venality in the gentlemen of Ireland, which has astonished them; they have not only kept a shop for corruption, but they have proclaimed the secrets of it, and, in so doing, have furnished us with an additional argument in favour of this bill, and to the refutation of those who tell you that it is not calculated for the meridian of Ireland. Sir, I cannot avoid observing, that in this day's debate, gentlemen on the other side of the House have adopted a certain tone of power, I presume in consequence of a very indecent and disorderly interposition on the part of one who does not belong to this House, though he has lately interfered in its proceedings Sir, I am not uninformed to what length that person went within these walls, even during the debates of this House *; it seems to me somewhat strange, that gentlemen on the other side should dwell so much on the necessity of parliamentary decorum, when they have been evidently spirited up by an interposition, which, in itself, was the grossest violation of parliamentary decency. Sir, I have been told it was said, that I should have been stopped, should have been expelled the Commons, should have been delivered up to the bar of the Lords for the expressions delivered that day.

I will repeat what I said on that day. I said that His Majesty's ministers had sold the peerages, for which offence they were impeachable. I said, they had applied the money for the purpose of purchasing seats in the House of Commons for the servants or followers of the Castle, for which offence, I said, they were impeachable. I said they had done this, not in one or two, but in several instances, for which complication of offences I said his Majesty's ministers were impeachable, as public malefactors, who had conspired against the commonweal, the independency of Parliament, and the fundamental laws of the land; and I offered, and dared them to put this matter in a course of enquiry. I added, that I considered them as public malefactors, whom we were ready to bring to

* Mr. Fitzgibbon (Earl of Clare).

justice. I repeat these charges now; and if any thing more severe was on a former occasion expressed, I beg to be reminded of it, and I will again repeat it. Why do not you expel me now? Why not send me to the bar of the Lords? Where is your adviser? Going out of this House I shall repeat my sentiments, that His Majesty's ministers are guilty of impeachable offences; and, advancing to the bar of the Lords, I shall repeat those sentiments; or, if the Tower is to be my habitation, I will there meditate the impeachment of these ministers, and return not to capitulate, but to punish.

Sir, I think I know myself well enough to say, that if called forth to suffer in a public cause, I will go farther than my prosecutors, both in virtue and in danger.

The question was then put, that the bill be committed; — Ayes 96, Noes 143; Majority against Mr. Forbes's motion 47. Tellers for the Ayes, Mr. Forbes and Sir Edward Newenham; Noes, Mr. Solicitor-general and Mr. Stephen Moore.

SPIRITUOUS LIQUORS.

February 2. 1791.

ON the 26th of January, Mr. David Latouche stated the great and alarming excess in the use of spirituous liquors, so prevalent, not only in the city of Dublin, but throughout the kingdom; that the industry and morals of the inhabitants were severely affected by it, and Parliament was called on to interfere. He therefore moved the following resolutions; "That it is the opinion of this House, that the excessive use of spirituous liquors is highly injurious to the health and morals of the people; that a committee be appointed to take this subject into consideration."

Mr. Grattan rose to second the motion; but Mr. Hobart (secretary) having caught the Speaker's eye first, was called on. He expressed himself sensible of the great injury resulting to the country from the immoderate use of spirits, and gladly seconded the motion.

Mr. GRATTAN. I have great pleasure in giving my approbation to the motion, and did rise to second it; but the right honourable gentleman (Mr. Hobart) has stepped before me. I am, however, happy to see the right honourable gentleman show any activity in any case, where this country is to be benefited. I shall always be happy to give him the way — let the country receive the benefit, and let him receive the applause.

I am happy, Sir, at the mode the House has taken; by

adopting the resolution, you make it indispensable on the House to proceed to the destroying of this poison, which now destroys the health, the morals, and the industry of the people; and which, notwithstanding the variety of interests which seem to place insurmountable obstacles in the way, I doubt not to see effected. It is imagined the growth of corn and the revenue will be checked. I do not think this can happen; but even if it should, I would sacrifice both to the human species. Corn and revenue were made for the benefit of man — not man to be sacrificed to the increase of these; but tillage or revenue can lose nothing by correcting this abuse. Consider the time lost in intoxication; consider the riots, the disorders, the litigations that arise from this plenteous source of evil! It is absurd to suppose, that healthy laborious men will not consume more corn as food, at the moment they are, by their industry, contributing to the benefit of the state, than poor enervated wretches, poisoned and debilitated by the use of spirits.

As to the revenue, the real objection against reforming the abuse of spirits (and the only objection that ever I heard which had any real weight), is, that if you raise the duty beyond a certain point, you hold out an encouragement to the clandestine distiller; but even this, I think, is not beyond the ability of Parliament to obviate. Whatever is done to promote sobriety in this country, must be done by Parliament. Parliament, by the gin-act in England, sobered England; and why may not we do the same in Ireland? Though there are local differences between the countries, yet there cannot exist such essential ones as would bespeak, in the people of Ireland, an indomitable dissoluteness, or in the Parliament of Ireland, total incapacity.

There are four measures, by the combination whereof I think this may be affected: A tax on the malt; a further tax on the distillery, and the disallowance of drawbacks; a very heavy expence for license; and a tax upon retailers.

The first of these measures, it may be feared, would injure the brewery; but to guard the brewery from injury, and to promote its interest, is, in my opinion, a primary object of the reform.

It will be for the consideration of the committee, whether it is not adviseable to take away the present excise on beer and ale, totally and entirely, and throw the whole duty, which either is to pay, on the malt, making that duty less than what is now paid by the brewer, so as to give your brewery a decided encouragement and advantage over any foreign brewery, or any home-made spirit. In so doing, you free

your brewery, which I think indispensably necessary, from the injudicious restraints now imposed on it. You free the brewer from all restraint, as to price or quantity of material, and you permit him to make the most of his materials, by selling both beer and ale, if he chooses, by lowering the duty; you give a spirit to a trade which now declines, and you will therefore give to the consumer a cheaper and better beverage, and furnish nourishment in the place of poison, which is one way of preventing its consumption. Your committee will then consider of some further measure to check the consumption of whiskey, beside the encouragement of malt liquors. It may possibly appear eligible to have, without drawback, and in addition to the malt tax as above stated, a certain excise on the distiller, and to add further a very high tax on the license, and, perhaps, another tax on the retail.

Besides the measures which I have mentioned, I would endeavour to interest the magistrates and gentlemen of the country; the revenue can never be collected by any number of officers, if the gentlemen of the country do not countenance and support them. I would have in every district superintending magistrates, with power to inflict immediate penalties; to report to the quarter sessions (perhaps on oath), the number of stills and of retailers in their district; and I would give to the sessions a power of punishing crimes committed against the revenue with severity.

In settling the excise on spirits, it should be raised so high, if possible, as to put them out of the reach of the mechanic and the labourer, taking care, at the same time, to provide him with a cheap and wholesome beverage; in order to which, the excise, and every restriction, should be taken off the brewery; no tax on brewing should be suffered to remain, save only that paid on the malt. The brewer, like every other manufacturer, should be left to himself to prepare his goods in the best manner his skill could suggest; neither should he be tied to any price. All this may be done with the utmost safety; his profits may always depend on the quantity of his manufacture consumed; the consumption will depend on the quality of that manufacture, and, therefore, it would become his interest that the quality should be the best.

By adopting these measures, Sir, you would have an opportunity of reducing the number of excise-officers. By the return made to this House last year, it appeared, that their number exceeded 800; which, reckoning their salaries and fees (fees more oppressive to the subject than salaries), cannot be estimated at less than 100*l.* per man, or 80,000*l.* in

the whole. If to these you add the incidents and the expence of check-officers, you cannot suppose the gross amount to make less than 100,000*l.* paid for collecting 270,000*l.* This, I think, is the strongest case that can be made out to induce the House not only to remove the evil of poisoning the people, but the evil of collecting a revenue from that poison.

If, Sir, those measures, after being well matured and digested by the House, shall be adopted; and if any defalcation shall happen in consequence, the House is not without a remedy — a lottery (if such be in contemplation.) Let the lottery, which is applied to the current service of the year, be applied to make good any defalcation in the revenue; but while I recommend this application of a lottery, I would not be supposed to be a friend to insurance. I believe the city has suffered as much by insurance, as the country has by whiskey.

The motion was supported by Sir Lucius O'Brien, Mr. Denis Browne, and Mr. J. Beresford, and unanimously agreed to.

On this day (2d February), the committee sat, Mr. David Latouche in the chair. Mr. Grattan brought forward the plan he had in contemplation, and spoke as follows:

We are agreed, that no false alarm for revenue or agriculture shall stand in the way of the proceedings in this committee. We are agreed to banish the present excessive use of spirituous liquors, without regard to the *pretended* interest of the Crown, the farmer, or the distiller. We must also be agreed, that the principal cause is, the low price, and that the only remedy Parliament can interpose is, to raise that price, by augmentation of duty. It was weakly suggested, that the use of spirituous liquors was decreasing under the operation of the present laws; and that, in the course of time, the present laws could correct the evil.

But what are the papers before you? A consumption of 3,000,000 of gallons of whiskey, above 1,000,000 of gallons of rum, and near 300,000 of gallons of brandy, beside a great indefinite quantity of the first of these liquors that is not comprehended in your papers, because illicit: It appears from those papers, that the number of licenses to sell spirits is about 8000; the number of houses in Ireland, by the best returns, is calculated at 640,000, and by returns of different parishes, it appears that nearly every seventh house is a whiskey-shop; that is about 90,000. The licence is 5*l.* in cities, and 8*l.* in counties. Now, if every one of the houses selling spirits paid for their licence, the revenue whould be near 300,000*l.* for licences only; it is now 32,000*l.* Hence, judge what a

quantity of spirit is sold against law; and you have already seen what a quantity is sold under law. It is, therefore, weak and fallacious to hold out the present laws as likely to correct the excessive use of spirituous liquors. It becomes, therefore, necessary to interfere, and interfere by laying high duties. The object of those duties must be to prohibit the lower orders of the people from the consumption of spirits, and the quantum of those duties, at least, in the first instance, such as may approach to, but not equal the duties on foreign spirits. The excise is now fourteen pence per gallon, of which sixpence is drawn back on account of the malt tax. If you stop the drawback, you add at once sixpence per gallon to the spirit, which will, with the malt tax, make the whole duty amount to about twenty-pence; add to that, such further excise as the committee shall think necessary to raise the price too high for ordinary consumption. But it will be also necessary to regulate the granting of licences, and to take from the commissioners that power, and lodge it with the quarter sessions, who shall have authority to withdraw those licences; and in the interval of the quarter sessions, I would give to the justices of the peace a power of suspending them. It will also be proper to oblige the person taking out a licence to enter into a recognizance for the order and regularity of his house; and it will be further necessary to confine licences to a certain description of housekeepers, that the number may not be excessive, and that the person selling liquor may be a responsible publican. There is, therefore, a resolution to this purpose, conceived in general terms, that the bill founded on these resolutions, may more particularly set forth. It is also necessary, in order to prevent the unlicensed sale of spirits, to give the magistrates new and summary powers, with regard to all persons selling unlicensed liquor: but as all this is only experimental, there is a final resolution, expressing the propriety of such a committee as this, the opening of the next session, sitting to enquire into the effect of our measures, and take such further steps as may be found requisite.

Whatever is adopted with regard to spirituous liquors would be imperfect indeed if nothing was done in advancement of the breweries. The state of your brewery on a comparison with its state thirty years ago, is that of a rapid decline; the decrease is about one-third; increase of importation nearly two-thirds; whereas, your increase of intoxication, that is, your increase of the consumption of whiskey, in the course of twenty years, appears to be as 700 to 3,000,000. Judge from this growth of poison, and this decline of nutriment how necessary the interference of Parliament to sustain the latter,

as well as to check the former. Your breweries labour under many disadvantages. Dear and inferior barley is one; a prohibition against hops from Flanders (a prohibition which you ought now to take off), another; the superiority of the malt liquor of England, which daily increases upon you, another; also duties, which are too high, and extraordinary regulations, which are wrong in principle, and which have proved, in experiment to be mischievous.

I have, therefore, submitted with respect to brewery; first, a resolution declaring it requires decisive encouragement: secondly, a resolution declaring, that the duties should be reduced, and the restrictions taken off: and, thirdly, a resolution declaring, that these ends were best answered, by taking the whole excise off beer and ale, and laying a moderate duty on malt. I have digested this idea into three resolutions, because I do not wish to embark the fate of the redress of the brewery on the event of a malt-tax; at the same time I am clear that you will, at last, if you do not now see, the wisdom of entirely and absolutely repealing the whole excise on beer and ale. The present system cannot be justified. It is expensive in collection, small in production, and in little and vexatious restrictions and penalties, abundant.

The malt-tax is now 116,000*l.* collected at considerable expence of officers; the drawback is about 100,000*l.*, so that the tax nets about 16,000*l.* a-year. The excise of beer and ale, after deducting the drawback on account of malt, is about 60,000*l.* The number of officers employed to collect this, with the other inland excises, is about 800*l.* See, then, what a multitudinous system of expensive collection, and what a miserable production. Take off, therefore, the whole excise on beer and ale, and with it banish some of those idle officers, and all those idle restraints and regulations which affect the brewer in every part of his process, as well as in the ingredients thereof. I will suppose you take off the excise, and lay sixpence a stone on the malt. I do not say, you ought, by any means, to lay so much; but if government will not consent to less, yet see even on that duty how the brewer will stand; supposing six stone and a half to a barrel of beer, he will pay three shillings and three-pence per barrel, whereas he now pays four shillings and one penny.

There is another advantage attending the transfer of the excise to the malt, — that you will then bring the home-spirit much more under the control of your regulations; because, when such a tax is laid on the malt, as will take place if the whole excise on beer is taken off, whatever is kept of excise

on the distiller, will have more operation. He will first pay a malt tax, he will then pay an excise, which, being less, will in so much diminish the temptation to smuggle, while, on the whole, he pays such duties as greatly raise the price of the spirit. I shall now read the resolution, observing, that, in my opinion, the revenue will be increased thereby; but that I am very willing that an estimate should be made of the revenue affected by this measure for the last three years, and a resolution, that if, on the next year, it is diminished, Parliament will make good the difference.

He then read the following resolutions:

"That a principal cause of the excessive use of spirituous liquors, is the low price thereof.

"That to remedy said evil, it is necessary to impose such duty or duties on spirituous liquors, as render the same too dear for the consumption of the lower orders of the people.

"That it is necessary that all licences whatsoever should be granted by the quarter-sessions only; and that a considerable duty should be imposed on licences for the sale of spirits; and all persons taking out licences should enter into a recognizance for the order and regularity of his house.

"That it is adviseable, that no licence should be granted except to persons of a certain description, and that the quarter sessions should have a power of withdrawing all licences; and, during the interval of their sitting, the magistrates of suspending them.

"That it is necessary to give the magistrates, with respect to all houses selling unlicensed spirits, summary powers to convict and punish.

"That, in order to give the lower orders of the people a wholesome and nutritious liquor, it is necessary to give the brewery of this kingdom decisive advantages.

"That, for this purpose, it is necessary that the duties affecting the brewer should be *reduced*, and the restrictions and regulations, whereby he is now restrained, *taken off*.

"That it is adviseable to take off the whole excise from beer and ale, and in the place thereof, lay a moderate tax on malt.

"That it is adviseable, that the justices of the peace should make a report to the grand jury of all the houses selling unlicensed spirits, that the grand juries may, on proper information, present the same.

"That it is necessary a committee should sit at the opening of the next session, to enquire into the effect of the

above regulations, and take such further steps as may be found requisite to carry into execution the first resolution of the House, to banish the excessive use of spirituous liquors."

Mr. Grattan then moved the first resolution.

Mr. Beresford stated, that the proposed plan embraced too wide a range to be decided on at present. He admitted that the breweries should be encouraged, and restraints imposed on distillation of spirits. He set forth an account, from which it appeared that the number of stills had greatly decreased. In the year 1781, they were 1212; their contents were 295,127 gallons; and they paid duty for 1,787,295 gallons; the proportion of which, to their contents, was as six to one. The excise paid that year was 71,612*l.* In the year 1790, the number of stills were 246; the excise paid that year was 170,729*l.* Thus the number of stills were reduced from 1212 to 246, and the revenue increased from 71,612*l.* to 170,729*l.*

The Speaker (Foster) and Mr. Hobart agreed in principle with Mr. Grattan. The former strongly recommended that the breweries should be encouraged, which, he contended, were every year sinking, owing to some radical error in the laws.

Mr. Grattan's first resolution passed without a division; and as it appeared to be the sense of the House that further time should be given to consider the rest, the motion, that the chairman should report progress, was put and carried.

EXPENCES OF THE COUNTRY.

MR. GRATTAN'S MOTION REGARDING THE EXPENCES OF THE NATION.

February 7. 1791.

ON this day Mr. Grattan entered into a long statement of the public accounts.

He said, that the increase of the revenues, applicable to the service of government, since the grant of the new taxes, has, after deducting all drawbacks and bounties, produced 763,886*l.*, which increase is, at an average, 153,000*l.* per annum. From hence he drew two conclusions: 1st, That the increase of bounty had not consumed the increase of revenue. 2dly, That the nation had performed her engagement.

His second resolution was, "That, notwithstanding said

increase, the annual expence exceeded the annual income 117,000*l.*"

In order to account for that excess, he proposed the following resolutions:

"That the charge for the civil establishment, on a comparison with 1784, had increased in five years 125,000*l.*

"That the increases on the exceeding of concordatum, had, on a comparison with 1784, amounted, in the course of five years, to 95,000*l.*" The charge for civil establishment was almost entirely the expence of government. It certainly did not contain any charge for any of those articles which were said to swell the public account, namely, public buildings and parliamentary grants. The principal part of the increase, under the civil establishment, was pensions, which were not only the expence of government, but the most criminal part of its charges. Of those pensions, whose increase had so swelled the civil list, two only had been on the address of this House.

With respect to the 95,000*l.* increase under the head of concordatum, the principal part of that was chargeable to the expence of the park, and the ornamenting the Castle — he meant the foolish extravagance that took place mostly in the years 1786 and 1787 for the Park and Castle — and which were not only the expences of government, but their vices, undefended and laughed at by themselves.

The next resolution related to the growth of the expence of collecting the revenue distinct from any other charge with which, in the public account, management of revenue is complicated; distinct from drawback, from bounties, from fees on bounties, from light-houses, from quarantine, &c. The resolution he should move was,

"That the increase of the expences of collecting the hereditary revenue additional duties and stamps, on a comparative with 1784, amounted, in five years, to 202,000*l.*

"That the sum total of these increases amount to a sum exceeding 400,000*l.*, being the increase only of the collection of the revenue, the exceedings on concordatum, and the charge for the civil establishment; that is, the expences of government."

That the charge for the military establishment had, in the last five years, on a comparative view with 1784, increased 443,000*l.*; but he did not bring that into account, because part of the troops in 1784 were not on the establishment; for the same reason he did not bring into comparison the King's letters, on which there had been a decrease of 200,000*l.*, owing to the ceasing of some of those public works or charges

which were said to cause the swell on the face of the public accounts. In 1784, there were 70,000*l.* charges of that kind; charges for the Genevese; charges for the purchase of a house for the Lord-lieutenant, under the address of this House; a charge also for Mr. Brooke. It is remarkable, that the head of charge in the public accounts, which principally contains those items for those public works, alleged to increase your expences, has decreased since 1784.

In order to form an idea of the growth of the expence of the army and King's letter, I will recur, not to the charges of 1784, but the estimates of 1785, on the faith of which the new taxes were granted, and which did take in your whole military establishment, and those other charges which affect your civil establishment, from the increased number of your judges; from your change to annual instead of biennial sessions, and some other charges — the result of acts of Parliament. The resolutions I have already stated, give you the growth of expences in three articles, over and above the similar charges for the year 1784. The resolution I shall read to you give you the growth of the expences of government, over and above its own estimates, produced by the minister in 1785, with the faith of government annexed. I propose, therefore, a resolution:

Resolved, "That, in 1785, certain estimates were produced, on the faith of which the new taxes were granted, and that the civil establishment was estimated at 185,000*l.*: That the increase of said list, over and above said estimate, has, in the course of five years, amounted to 75,000*l.*

"That the estimate of the exceedings on concordatum was 32,000*l.*; and the increase in five years, over and above said estimates, was 95,000*l.*"

He said, that there was a decrease in King's letters, on a comparative with 1784, in consequence of a diminution of some public charges, yet, on a comparative of King's letters, for the last five years, with the estimate of 1785, there has been an increase which, in the course of those years, amounts to above 30,000*l.*; which increase is principally to be charged to the articles under the direction of government, which was a ground for another resolution, —

"That the increase of King's letters, over and above the estimate of 1785, was above 30,000*l.*

"That the estimate of the military establishment in 1785, was 509,000*l.* That it is now in the public accounts for 1790, 535,000*l.*; but as some time elapsed after the estimate of 1785, before the full complement of men came into charge, the increases on that list are but small; they are less than

40,000*l.* The resolution is, that the increase of the charge for the military establishment, amount, in the five years, to above 30,000*l.* above the estimate of 1785."

The revenue collection of 1784 was the estimate of its collection, when the new taxes were proposed in 1785; that is, the estimate of the net hereditary revenue was formed in 1785, on the net hereditary revenue of 1784, and, of course, on an implied estimate of the expences to which it was then subject; that is, management, which, as far as relates to collection, has increased 202,000*l.*; and this, to the increases of the expences of government above the estimate of 1785, on the faith of which the new taxes were granted, and the whole increases amount to 423,000*l.*

The resolution formed on these quantities is, that the increases of the expences of government in the collection of revenue, civil and military establishments, exceedings on concordatum, and King's letters, over and above the estimates on the faith of which the new taxes in 1785 were granted, amount, in five years, to 432,000*l.*

There is another point of view in which I wish to consider this subject. See what is your annual increase of expence for the year 1790, over and above the estimates of 1785. It is as follows:

Civil establishment above said estimate,	*L.*21,000.
Military,	26,000
Concordatum,	14,000
Collection,	54,000
Total annual increase above estimates of 1785,	*L.* 115,000

I have already stated, that the country had performed her covenant, and given the government, clear of all drawback and bounty, 153,000*l.* per annum, increase of revenue since 1785.

It now appears, government has not performed her contract, but has exceeded her own estimates, on the faith of which the new taxes were granted, in the annual sum of 115,000*l.*; from hence I draw two conclusions; the people have kept faith with the government, and the government has broken faith with the people.

The resolutions submitted by Mr. Grattan were opposed by Mr. Mason, who moved the question of adjournment.

The Chancellor of the Exchequer (Sir J. Parnell) and Mr. *G.* P. Bushe defended the expences of the government. The increased salary of the Lord-lieutenant, and those of the judges, had occasioned an augmentation of expence. The business and cost of managing the revenue had also been increased. As to the debt of the

nation, it was, in the year 1784, 2,117,000*l.*, and in 1790 it was 2,153,000*l.*, making but a difference of 36,000*l.* in the course of five years. The government had been careful not to lay on new taxes. They preferred a more prudent and effectual course — to wait for the growing prosperity and wealth of the country.

Mr. GRATTAN said: When I proposed this resolution, I took only the civil list, the management of the revenue and concordatum; and I took them, because they are chiefly under the power of ministers: part of these expences are justifiable, part are not.

The nation, by a compact with government, added 140,000*l.* per annum to the revenue. The management of the revenue is part of the business of ministers; and a part where they exercise their patronage. It should have been with the commissioners; but ministers took it from them, and annexed the patronage of revenue management: the part which oppresses the country, is the patronage of government, not the jobbing of the commissioners. The letter of the Marquis of Buckingham, appointing two new commissioners, was not the act of the revenue board, but of government; and are not ministers as responsible for that, as for any other part of public business?

Was the army of preventive officers employed to collect the revenue? Was their formation the idea of the commissioners or of administration?

Gentlemen talk of the new custom-house as an article of expence, and as the act of the nation. Was the plan of keeping two commissioners in that custom-house the act of the nation? Was the keeping even the clerks of those commissioners there the act of the nation?

But gentlemen not only justify the increase of 54,000*l.*, the national expence, but they even say, the nation is bound in honour to make up the deficiency. So you not only bargain with government to add 140,000*l.* to the revenue, but, besides that, you just add 54,000*l.* or as much more as government choose to squander it. If government choose to make two new commissioners of revenue, you are bound in honour to make up the deficiency; if government choose to separate the board of stamps and accounts into two, in direct opposition to a resolution of this House, this House is bound in honour to make up the deficiency. You give government not only 140,000*l.* revenue, but an unlimited letter of credit for any expence or any extravagance.

Now, as to the civil list, part of that civil list is the pension list; the pension list is increased 16,000*l.* per annum since the year 1784. Will you justify that list? If you do, your conscience must be hardened indeed, and that list is the chief

cause of the increase on the civil list which you stood forth to justify; but I rely on the criminality of the principal part of the civil list.

You defend the charge of concordatum, when an enormous sum was, in less than fifteen months, laid out in the fooleries of of the park. Some gentlemen on the other side of the House cried out against it; some of yourselves were the first to object against it; yet now the charge of concordatum is defended.

But gentlemen say the revenue is not chargeable to the ministers of the crown; let the public be the judge.

You say the civil list is not chargeable to the ministers of the crown; I only say, let the public be the judge.

The malt tax is alleged as an excuse; that tax must be indeed indefensible which not only produces scarcely 16,000*l.* per annum, net revenue, but proves an excuse for the expence and extravagance of the ministers of the crown.

The right honourable gentleman says, why do you speak of the expences of government? Here are bounties; here are drawbacks; here is a custom-house; here are public buildings; these are not the expences of government. But that right honourable gentleman does not say, here are two additional commissioners of revenue; here is a board of stamps and a board of accounts. These are the expences of government. It is said these expences are approved of and sanctioned by Parliament; it might as well be said that the additional pensions were approved of and consecrated by Parliament, because the gentlemen opposite voted in their favour.

The question was then put on Mr. Mason's motion of adjournment, and carried without a division.

SALE OF PEERAGES.—PURCHASE OF SEATS IN PARLIAMENT.

February 8. 1791.

MR. GRATTAN began with apologizing to the House for his rising at this late hour, and at a time when the House was almost exhausted with the business (the supply) which had been already gone into. He observed, that in the last Parliament he had submitted to the consideration of the House a question calculated to support the honour of one House of

Parliament, and to protect the privileges of another House of Parliament, and calculated for the preservation of the fundamental laws of the land. The question he alluded to was the sale of the peerages; this question was disposed of with the most unconstitutional apathy. He had then asked the supporters of administration on the other side of the House, if they had any commercial arrangement to bring forward, any reduction of consequence, any place bill, any pension bill, any responsibility bill? But they had no commercial arrangement to bring forward, no reduction of expence, no place bill, no pension bill, no responsibility bill; but he was then answered (alluding to what had fallen in that debate from the Attorney-general), that the administration of the country would govern according to the law of the land. It is with much regret I am now obliged to inform that right honourable gentleman, that the government for whom he made that engagemant, has not governed according to the law of the land, but has in divers instances violated that law.

I propose three questions for the right honourable gentleman's consideration: First, Is not the sale of peerages illegal? Second, Is it not a high misdemeanor and impeachable offence? Third, Whether a contract to purchase seats for persons named by the ministers of the Crown, with the money arising from the sale of the peerage, is not in itself an illegal and impeachable transaction, and a great aggravation of the other misdemeanors?

I wait for an answer. Does the right honourable gentleman continue in his seat? Then he admits these transactions to be great and flagrant breaches of the law. No lawyer I find so old and hardy, so young and desperate, as to deny it. Thus it appears that the administration of this country, by the acknowledgement of their own lawyers, have, in a high degree, broken the laws of the land. I will now discuss the nature of transactions admitted to be illegal; I know the prerogative of conferring honours has been held a frugal way of rewarding merit; but I dwell not on the loss of any collateral advantages by the abuse of that prerogative, but on the loss of the essence of the power itself, no longer a means of exalting, and now become an instrument of disgrace. I will expostulate with His Excellency on this subject; I will bring him to an eminence, from whence he may survey the people of this island. Is there, my lord, a man of all who pass under your eye, one man whom you can exalt by any title you may think to confer? You may create a confusion in names, or you may cast a veil over families, but honour, that sacred gem, you have cast in the dirt! I do not ask you merely, whether there is any man

in the island whom you can raise? but I ask you, is there any man whom you would not disgrace, by attempting to give him title, except such a man as would exalt you *by the acceptance*— some man whose hereditary or personal pretensions would rescue his name and dignity from the apparent blemish and ridicule cast on him by a grant from those hands to whom His Majesty has most unfortunately abandoned, in Ireland, the reins of government?

The mischief does not go merely to the credit, but may affect the existence of the nobility.

Our ministry, no doubt, condemn the National Assembly, in extinguishing the nobility of the country, and I dare say they will talk very scrupulously and very plausibly on that subject. They certainly have not extinguished the nobility of Ireland, but they have (as far as they could) attempted to disgrace them, and by so doing, have attempted to lay the seeds of their extinction. The Irish ministry have acted with more apparent moderation; but the French democracy have acted with more apparent consistency. The French democracy have, at one blow, struck from the nobility, power, perquisite, and rank. The Irish ministry have attempted to strike off honour and authority, and propose to leave them their powers and their privileges. The Irish ministry, after attempting to render their honours as saleable as the seats of justice were in France at the most unregenerated period of her monarchy, propose to send them abroad, to exact deference from the people as hereditary legislators, hereditary counsellors to the King, and hereditary judges of the land; and if hereafter any attempt should be made on our order of peerage, look to your ministry, they are the cause — THEY — THEY — THEY WHO HAVE attempted, without success, but with matchless perseverance, to make the peerage mischievous, and, therefore, are guilty of an eventual attempt to declare it useless.

Such a minister is but a pioneer to the Leveller; he composes a part of his army and marches in the van, and demolishes all the moral, constitutional, and political obstructions of principle and purity, and all the moral causes that would support authority, rank, and subordination.

Such a minister goes before the Leveller, like sin preceding the shadow of death, shedding her poisons and distilling her influence, and preparing the nectar she touches for mortality. I do not say, that such a minister with his own hands strips the foliage off the tree of nobility. No; he is the early blight, that comes to the island to wither your honours in the first blast of popular breath, and so to scatter, that at last the whole leaveage of nobility may descend.

This minister, he does not come to the foundations of the House of Lords with his pick-axe, nor does he store all their vaults with trains of gunpowder. He is an enemy of a different sort. He does not purpose to blow up the Houses of Parliament; he only endeavours to corrupt the institutions, and he only undermines the moral props of opinion and authority; he only endeavours to taint nobility; he sells your Lords and he buys your Commons. The tree of nobility;—that it may flourish for ever, and stand the blight of ministers and the blast of popular fury,, that it may remain on its own hill rejoicing, and laugh to scorn that enemy, which, in the person of the minister of the Crown, has gone against the nobles of the land;—This is my earnest prayer. — That they may survive, survive to give council to those very ministers, and, perhaps, *to pronounce judgment upon them.* But if ever the axe should go into that forest; if, on the track of the merchantmen, in the shape of the minister, the political woodman, in the shape of the Leveller, should follow; if the sale of peerage, as exercised by the present minister, becoming the ordinary resource of government, should provoke a kindred extreme, and give birth to a race of men as unprincipled and desperate in one extreme as they are in the other, we shall then feel it our duty to resist such an effort, and as we now resist the ministers' attempts to dishonour, so shall we then resist the conseq uence of his crimes — projects to extinguish the nobility.

In the mean time to prevent such a catastrophe, it is necessary to destroy such a practice, and, therefore, necessary to punish, or remove, or intimidate, and check your ministers.

I would not be understood to speak now of a figurative sale of honours; I am speaking of an *actual one in the most literal sense of the word.* I know the grants of honours have been at certain times made for influence distinct from pretensions; but not *argent comptant,* the stock purse. It is not title for influence, but title for money to buy influence. You have carried it to the last step, and in that step have gone beyond the most unscrupulous of your predecessors; they may have abused the prerogative, but you have broken the laws. Your contract has been what a court of law would condemn for its illegality, and a court of equity for its turpitude.

The ministers have endeavoured to defile the source of honour; they have also attempted to pollute the stream of justice. The sale of a peerage is the sale of a judicial employment, which cannot be sold without breach of an express act of Parliament, — the act of Richard II. and Edward VI.

I know the judicial power is only incidental to peerage, but the sale is not the less against the spirit of the act; indeed, it

is the greatest possible offence against the spirit of the act, inasmuch as the judicial power in this case is final, and comprehends all the judgments and decrees in all the courts of law and equity.

If I am injured in an inferior court, I can bear it; it is not without remedy. But there, where every thing is to be finally corrected; where the public is to be protected and rescued from the vindictive ignorance of a judge, or the little driving, arbitrary genius of a minister; the last oracle of all the laws, and the first fountain of council, and one great constituent of the legislature; to attempt to make that great repository a market; to erect at the door of the House of Lords the stall of the minister, where he and his friends should exercise their calling, and carry on such an illicit and shocking trade. That a minister should have cast out of his heart all respect for human institutions so far, as to attempt to post himself at the door of that chamber, the most illustrious, select, and ancient of all institutions we know of; to post himself there with his open palm, and to admit all who would pay for seats.

Is this the man who is to teach the Irish a respect for the laws, and to inculcate the blessings of the British constitution?

History is not wanting in instances of gross abuses of the prerogative in the disposal of the peerage; the worst ministers perhaps have attempted it; but I will assert, that the whole history of England does not furnish so gross and illegal an exercise as any one of those bargains contracted for by the minister of Ireland. In the reign of Qneen Anne, there was, by the Tories of the times, a great abuse of that power; twelve peers created for an occasion. In some particulars there was a similitude between that and the present act; it was an attempt to model the House of Lords; but there was no money given. The turpitude of our transaction was wanting in the act of the ministry of Queen Anne, it was an act of influence purporting to model one House of Parliament; but it was not the sale of the seats of one House to buy those of the other, and model both.

The second instance is the sale of a peerage by the Duke of Buckingham in the reign of Charles I. It was one of the articles of his impeachment, a peerage sold to Lord Roberts for 10,000*l.*; it was a high misdemeanor, a flagrant illegality, and a great public scandal; so far it resembles your conduct, but it was no more. The offence was confined to a single instance; the Duke of Buckingham created one peer of the realm, one hereditary legislator, one hereditary counsellor, and one final judiciary, for a specific sum of money for his private use; but the Irish minister has created divers hereditary

legislators, divers hereditary counsellors, and divers final judiciaries, for many specific sums of money. The Duke of Buckingham only took the money for a seat in the Peers, and applied it to his own use; but the Irish minister has taken money for seats in the Peers, under contract that it should be applied to purchase seats in the Commons; the one is an insulated crime for private emolument, the other a project against the commonweal in this act.

The ministers have sold the prerogatives of the Crown to buy the privileges of the people; they have made the constituent part of the legislature pernicious to each other; they have played the two Houses like forts upon one another; they have discovered a new mode of destroying that fine fabric, the British constitution, which escaped the destructive penetration of the worst of their predecessors; and the fruit of their success in this most unhallowed, wicked endeavour would be the scandal of legislation, which is the common right of both Houses; of jurisdiction, which is the peculiar privilege of one; and adding the discredit which, by such offences, they bring on the third branch of the constitution, (unfortunately exercised in their own persons,) they have attempted to reduce the whole progress of government in this country, from the first formation of law to the final decision and ultimate execution; from the cradle of the law through all its progress and formation to its last shape of monumental record. They have attempted to reduce it, I say, to disrepute and degradation.

Are these things to go unpunished? Are they to pass by with the session, like the fashion of your coat, or any idle subject of taste or amusement?

Is any state criminal to be punished in Ireland? Is there such a thing as a state of offence in Ireland? If not, renounce the name of inquest, if — aye — punish. He concluded by moving the following resolution: — "That a select committee be appointed to examine, in the most solemn manner, whether the late or present administration have entered into any corrupt agreement with any person or persons, to recommend such person or persons to His Majesty, as fit and proper to be by him made peers of this realm, in consideration of such person or persons giving certain sums of money to be laid out in procuring the return of members to serve in Parliament, contrary to the rights of the people, inconsistent with the independency of Parliament, and in violation of the fundamental laws of the land."

Mr. Curran seconded the motion. It was opposed by the Attorney-general (Mr. John Wolfe), Mr. Barrington, Mr. Burgh, Mr. Perry, Mr. Denis Browne, and Colonel Blaquiere, on the

ground that the charge stood upon bare assertion; that the same measure was proposed in the last Parliament on the ground of common fame, which was no foundation for such a charge, and the present motion only tended to throw unjust odium on the administration.

The measure was supported by Mr. Sheridan, Sir James Cotter, and Mr. George Ponsonby. They contended that the House was the grand inquest of the nation, and possessed of every power sufficient to institute an enquiry. The charge, that seats in one House had been given in exchange for seats in the other, affected not only the dignity of both Houses, but the very being of the legislature. It was the first time the question had been brought on, in the new Parliament. The general opinion was, that the charges were well founded; and a refusal to enquire would tend to confirm it. Every man acquainted with parliamentary history knew that common fame was sufficient ground for the motion. Mr. Ponsonby said: "If gentlemen are unwilling to risk their reputation by instituting an enquiry on the ground of common fame, I will state to them what they will consider sufficient ground for this enquiry:—a member of this House standing up and asserting that he has good reason to believe that peerages have been sold. This, Mr. Speaker, the gentlemen opposite will acknowledge to be good ground for enquiry. Sir, I am that man. I say, I have good reason to believe that *peerages have been sold for money*; nay more, *I have proof*. Go into a committee; and if I do not establish my charge, degrade me,—let me no longer enjoy the character of an honest man. I dare the administration to it. *I risk my reputation on establishing the fact.*"

The question being put, there appeared; — Ayes 83, Noes 135; Majority against Mr. Grattan's motion 52. Tellers for the Ayes, Mr. George Ponsonby and Mr. Sheridan; for the Noes, Mr. Beresford and Mr. Barrington.

SALE OF PEERAGES.—PURCHASE OF SEATS IN PARLIAMENT.

MR. CURRAN MOVES FOR A COMMITTEE TO ENQUIRE INTO THE SALE OF PEERAGES, AND THE PURCHASE OF SEATS IN THE HOUSE OF COMMONS.

February 12. 1791.

MR. CURRAN, according to notice, made his promised motion. He stated, that a contract had been entered into by the present ministers, to raise to the peerage certain persons, on condition of their purchasing a certain number of seats in this House. It was a corrupt disposal of public money; it was an attempt to undermine the liberties of the people, and constituted

a crime that deserved punishment. He pledged himself to prove the charge, if the House would agree to go into the enquiry. In the course of his speech, he alluded to a declaration by Lord Clare (the Chancellor), when member of the House, "That it cost government half a million to beat down the aristocracy, and would cost them another to beat down the present."* He concluded by moving, "That a committee be appointed, consisting of members of both Houses of Parliament, who do not hold any employment, or enjoy any pension, under the Crown, to enquire, in the most solemn manner, whether the late or present administration have, directly or indirectly, entered into any corrupt agreement with any person or persons, to recommend such person or persons to His Majesty, for the purpose of being created peers of this kingdom, on consideration of their paying certain sums of money, to be laid out in the purchase of seats for members to serve in Parliament, contrary to the rights of the people, inconsistent with the independence of Parliament, and in direct violation of the fundamental laws of the land."

Mr. Grattan seconded the motion. It was opposed by the Solicitor-general (Mr. Toler), Sir Boyle Roche, Mr. Clements, Mr. Cooke, Mr. Archdall, Mr. Barrington, Sir John Parnell, the Prime-sergeant (Fitzgerald), Mr. G. P. Bushe, Colonel Blaquiere, Mr. Marcus Beresford, and Mr. S. Moore. They denied that common fame was a sufficient ground for such a charge. It was the old accusation that had been already advanced and decided. They contended, that the motion was unparliamentary and unconstitutional; that the Lords and Commons could not be joint accusers in a committee. The Lords could not be compelled to join in an enquiry; it could not lead to convict, though it might serve the purpose to defame, the administration.

It was supported by Mr. Charles O'Neill, Mr. G. Ponsonby, Mr. Egan, and Mr. Grattan. They argued, that it was admitted that the sale of peerages was an offence at common and statute law. It was a violation of the principles of the constitution. It was a crime deserving of punishment; if the charge was false, the government would be acquitted, and need not, therefore, be afraid of enquiry. Instances of joint committees of Lords and Commons in England were adduced from the reigns of Henry IV., Charles I., and William III. In England it had been long established, that common fame was a sufficient ground for enquiry; but here there was much more; for, in the present case, members pledged themselves to prove the facts charged against the ministers.

Mr. Grattan. Before I come to the objections advanced against the motion proposed, permit me to advert to the general declamation uttered by the advocates of a corrupt government against the defenders of an injured people.

Four times, those advocates tell us, have we brought this grievance forth, as if grievances were only to be matter of

* Lord Clare was present during the debate.

public debate when they were matters of novelty, or as if grievances were trading questions for a party or a person to press, to sell, and to abandon; or, as if we came here to act farces to please the appetite of the public, and did not sit here to persevere in the redress of grievances, pledged as we are, and covenanted to the people on these important subjects. We have been told, our political budget of grievances is small. Sir, I wish the honourable gentleman who said so, was fortunate enough to be right in this observation. I should be happy in this particular to submit to his truth and authority; but I am sorry to inform him, that the creation of divers peers for money to be laid out in the purchase of divers seats for ministerial dependants, and the appointment of fifteen new parliamentary places or salaries admitted to be for the purpose of buying a majority, even if they were the only crimes of the government, compose no scanty political budget of corruption and iniquity. If the honourable member calls this assortment small, what must be his measure or limitation, or boundary for the offences of government. He seems to triumph because we have only complained of the crimes committed against the country in the former year. What! is he so familiarised to state offences that their intermission for only twelve months is a matter of triumph? Is your system of government such, that if peerages are not every month sold, and new places every month made, we are to marvel at the prodigy, and to return praises to a government that has imposed a short interval on its habitual course of violence and plunder? We are told that opposition is factious. Sir, if to propose a certain description of measures which must curtail the expence, and limit the undue influence of the Crown; if to preclude ourselves from a possibility of coming into power without carrying those measures; if to resist a government that has practised and professed corruption, be factious, certainly the present opposition deserves the name of faction.

Sir, the gentlemen from dull declamation proceed to feeble argument; they first object to the motion, because, as *they say*, it blends the inquisitorial power of the Commons with the judicial power of the Lords; in which observation they show they understood the motion before you as little as they understood the distinct power and properties of the Lords and Commons. They assume that the motion is for an impeachment, whereas it is only for an enquiry; and to suppose that the two Houses of Parliament cannot confer, and blend in enquiry, more especially into criminal matter which *touches* the privileges of both, is idle. Might not the result of a joint enquiry be a joint address to remove? Might not the result of a joint enquiry be the joint exercise of the consultative

capacities which are common to both Houses; to the Commons, who are the great council of the nation, and the Lords, the hereditary council of the King? May not those councils unite and blend in a joint enquiry and a joint exertion? In the present question such a joint committee is peculiarly proper, because the privileges of the Lords are equally attacked, and also because the consent of the Lords may be a necessary preliminary to the evidence. But if principle was not sufficient, cases are not wanting to refute this objection, and one has been cited directly in point. But there is another answer to those gentlemen besides precedent and principle — their own conduct. When, on the other night, those honourable gentlemen voted against a motion, similar to this indeed, except that it did not propose to proceed by a joint committee, their resorting, therefore, now for objection to the new form of the motion, which they did oppose under another, and would oppose under any head, is only pretence, and the proper answer is to inform them that the objection is as little founded in sincerity as in principle or precedent. The objectors proceed to deny that we have any evidence; and the learned body of the law on that side of the House undertakes to deny that common fame is a foundation whereon to transmit to the Lords, or present to the King: and one honourable and learned member asserts, that the resolution of the English House of Commons in the first and second of Charles I. expressly passing such a resolution, is no authority; and he gives this most extraordinary reason for this most extraordinary assertion, because, says he, Mr. Noy, the prerogative lawyer, who framed the writ of ship-money, was on the committee who formed the resolution afterward adopted by the whole House. So that, according to the honourable and learned member, no resolution of any House of Parliament is of any authority, if in that Parliament there is seated an arbitrary and prerogative lawyer. Sir, since the beginning of Parliament to this present moment, it never was without such a character in both countries: prerogative lawyers, arbitrary lawyers, adventuring lawyers, in numbers, more or less, according to the temptation afforded by the corruption of the times and the government. According, then, to the doctrine of the honourable and learned member, it follows, that there never was a Parliament, the resolutions of which should have any authority in any time whatsoever; but had the honourable gentleman's argument any force or weight whatever, that force must act against him; for if a prerogative lawyer admits a resolution in favour of privilege, it is the strongest possible evidence, being the testimony of an enemy in favour of the rights of the Commons; and he will find, on better

consideration, that his objection amounts exactly to this, "so very clear and irresistible is the proposition, that the Commons have a right to proceed on common fame, that the enemy of the Commons, Mr. Noy himself, admitted it."

Another learned and right honourable member has gone farther than his honourable and learned friend. Sir, he has on a former occasion said, that the Parliament of the second and third of Charles I. was a riotous assembly, whose resolutions deserve no attention. I own I am at a loss to know what Parliament that resisted the violence of the minister, the right honourable gentleman will not call a riotous assembly, if he calls that of the second of Charles I.; for as well may he call the Parliament that passed the Petition of right a riotous assembly, for that Parliament resisted the will of the minister; or the Parliament that sat at the close of Charles II., for they resisted the will of the minister; or the convention Parliament a riotous assembly, for that Parliament opposed all the principles of the minister, and deposed the person of James II. There is no Parliament whatsoever, that the right honourable and learned gentleman must not, on his own principles, call a riotous assembly, save only such as have been corrupt. No Parliament, according to one learned gentleman, ought to have authority, if it contains a prerogative lawyer. No Parliament, according to the other right honourable and learned gentleman, ought to have any authority, if it does not contain the principles of servility; but the right honourable gentleman's charge against the Parliament of the second of Charles I. will not answer his purpose; he must impeach the Parliaments of England from Henry IV. to Charles I.; they repeatedly proceeded on common fame as ground of transmitting to the Lords or presenting to the King. Accordingly the learned member will find, that the court of Henry IV. was presented by the Commons on common fame; and the Duke of Suffolk, on common fame; the Duke of Somerset, in Henry VI., on common fame; the Bishop of Lincoln was complained of on common fame; but all the Parliaments that *did so*, I suppose, were riotous assemblies and of no authority.

Sir, when a right honourable and learned member, the most discreet in His Majesty's government in this country, comes forth with such opinions against popular assemblies, how unpopular and unconstitutional must be the principles of our court, the contagion of which has reached, and blemished the gravest and most decorous man in their councils, and *how* little is that government, or the abettors of that Government, or even the right honourable gentleman, to be relied *on*, when he or they observe on the character of opposition, since it now

appears there is no obloquy they can offer to us which they have not thrown on the most constitutional exertions of the most upright assemblies that ever defended Great Britain.

Sir, the objection against the authority of common fame is, I have shown, unfounded; but our proceedings do not depend on common fame. A member tells you he has evidence; a member asserts he has knowledge of your guilt; a member dares, provokes, defies you. Is not that enough? That is not all, the gentlemen of the other side have furnished testimony of the crime, they come forth themselves, and aver that a peerage was, in a former period, sold, and that a seat on the bench was sold; here then is a ground for your committee, made by the other side, and if they now, after their own testimony, refuse to go into an enquiry, it is because they know the administration they support is not innocent, but involved in the guilt.

Sir, gentlemen have made a third objection to this motion, as proceeding against a crime, but a crime of ancient date, and similar to the act of every individual, who can be supposed to have purchased a seat in this House. The sale of a peerage, says the right honourable and learned member, is illegal, so, he added, is the purchase of a seat in the Commons by an individual; but are these offences equal; no. Is there no difference between a minister who sells the seats of one House to buy the seats of another for his creatures, and the individual who buys a solitary seat for himself? Is there no difference between the unconstitutional act of the individual and such complicated high and mighty offences of the state malefactor? They have endeavoured to confound the offence of an individual purchasing a seat in this House with the offence of a minister purchasing seats in numbers for his creatures; that is, they have endeavoured to confound the defects of the constitution with its dissolution. They have endeavoured to confound the grant of a peerage for influence, and the sale of a peerage for money to purchase influence. Other ministers may have made certain commoners peers on account of their power, in confidence that their power would be exerted in favour of government; but you have made rich commoners peers, under contract that their money shall be expended to bring you an influence to be at the disposal of government. There have been exchanges of honours for influence; there has been, if you please, much abuse on this subject in this kingdom in former governments; much unconstitutional motive; much improvidence in the waste of honour; but you have gone beyond them all. In vain shall gentlemen invoke the crimes of all their predecessors in office to give a pious

cast to their own proceedings; they have done acts which exceed the history and the fable of the worst of their predecessors, and carries them far beyond all their rivals in the race of political iniquity.

Permit me to observe, that the gentlemen themselves have confessed the enormity of the offence. When asked, was not the sale of peerages illegal? They answered, yes. When asked, was it not, with all the concomitant circumstances, a high misdemeanor and an impeachable offence? They answered, yes; and in that answer they established a distinction between the unconstitutional act of the individual purchasing a seat, and the high offence of a minister selling the peerage to purchase many seats. They *did not attempt* to call the former act that high offence. They did call the latter so high an offence, that they stated the resolution descriptive of that offence to be a brand on the King, the Lords, and the Commons.

If, then, the government have been guilty of the act, government, by the declaration of the gentlemen themselves, is a brand upon the King, the Lords, and the Commons. Every thing which those gentlemen have said against the resolution, if the crime is committed, falls on the government. Now, Sir, there is scarcely a man that does not firmly believe, and some most circumstantially know, that government has committed this crime; they know the price paid; they know the complaints made, and the little circumstances attending the bargains; they know *the men*. The crimes being then committed by the ministers, it follows that those ministers are guilty, by the confession of their own advocates, of a high and impeachable offence; of an act, which in their own words, imposes an indelible stain on the King, the Lords, and the Commons; thus is the administration reprobated by both sides of this House; the one side directly charging an act which damns them for ever, the other side admitting, that if they have committed it (and it is notorious they have), they are damned for ever; and thus is the opposition justified by the servants of the Crown, as government is blasted by them; for if the government is that criminal, what chance has the public but from the exertions of the opposition; and if the opposition cannot succeed in a parliamentary proceeding, what chance has the country for checking a practice which the court admits to stamp indelible infamy on the three estates? What chance, but from the attacks of opposition, lacerating, as it were, those criminals, holding them out to public view; and making it (if not penal) painful to their feelings and humiliating to their persons, to trample on the laws and constitution of this realm; so shall they be an example to all future

offenders, and a dreadful and disgraceful lesson to all succeeding governments.

The question of adjournment was proposed by Mr. Tighe. The House divided; — for the adjournment 147, against it 85; Majority against an enquiry 62. Tellers for the Ayes, Mr. Stephen Moore and Mr. Archdall; Noes, Mr. Curran and Mr. Egan.

EAST INDIA TRADE.

February 15. 1791.

MR. GRATTAN, in pursuance of the notice he had given, rose and said:

I beg leave to call the attention of the House to a subject which I conceive to be of no small importance to this kingdom. I beg to observe, that the sense of the Parliament of Great Britain has been taken on the convention entered into with Spain, and the sense of the Parliament of Ireland has not as yet been taken. The minister of the country asked you for money in the moment of emergency, which was cheerfully and liberally granted; but he has not condescended to take your opinion on the subject matter of the convention. The thinness of the House at present will render it unnecessary for me to go at large into the subject. I shall therefore merely open it for future discussion. The business would indeed have been brought forward with more propriety by the servants of the Crown, as it was done in England; for though the nations are not equally rich, or equally powerful, they are certainly of equal rank, and equally independent; but, as ministers have not acted as they should have done, we are at liberty to occupy the question, and leave it open for future discussion.

The convention is supposed to be advantageous in two distinct points: the liberty of fishing in the great Southern Ocean, and the liberty of trading to Nootka, and all the coasts on the western side of America, which are not possessed and settled by the subjects of Spain.

The trade to Nootka is the object most likely to excite the speculation of our merchants. This trade depends on an intercourse with China; for, from the best information we have, the commodities of Europe have been brought to Nootka; they have there been exchanged with the natives for furs and skins; those furs and skins have been carried to

China, where they have brought a very high price. Tea is the principal article of Chinese produce in demand in England and in Ireland; and with tea the Chinese pay for the furs and skins of Nootka.

But as China and Nootka lie eastward of the Cape of Good Hope, and westward of the Streights of Magellan, a question arises, how we stand with respect to the charter of the East India Company? I need not inform the House, that no British act of Parliament can bind Ireland, or that the charter of the East India Company is held under a British act.

Neither is it necessary to say, that the East India Company's charter is not recognized by Ireland under the act of Mr. Yelverton. That act adopts all such English laws, relative to trade, as convey equal advantages, and impose equal restrictions, on both countries; but the East India Company's charter conveys no manner of advantage whatsoever to Ireland, and therefore, under Mr. Yelverton's act, no regard can be paid to its restrictions.

However, if any gentleman doubts that Mr. Yelverton's bill does go to legalize the monopoly of the East India Company, and to exclude Ireland, I will state the circumstances which gave rise to that bill. [House — No doubt; no doubt.] Then it is not supposed, that Mr. Yelverton's act legalizes the monopoly of the East India Company against Ireland; nor is it supposed that any British statute can. What then prevents us from carrying our free trade to any part of the world which is not pre-occupied, or where the inhabitants will trade with us?

The obstacle is in our own revenue bill; by that we are prevented from importing tea, but through the medium of the English East India Company; and thus the question stands. If you mean to trade to Nootka for furs, your best market for selling these furs is China. In China you must receive your payment in tea (an article of great consumption in Ireland); but you cannot bring one pound of that tea to Ireland, because the Irish revenue law expressly forbids you to receive it but through the medium of the English East India Company, and, consequently, while the law subsists, you can derive no manner of advantage from the late convention, and you have as completely submitted to the charter of the East India Company, as if you were bound by English acts of Parliament.

I ask you, then, will you continue these clauses in the revenue bill? If you do, you relinquish your free trade, — if you do, you speak two languages; one to the people, another

to the East India Company. To the people you say, "We have given you a free trade:" to the East India Company, "We have sacrificed the free trade of Ireland to your charter."

I will, therefore, Sir, move you, "That the committee of trade do sit on Wednesday se'nnight, to consider whether any and what legislative provisions require to be adopted or discontinued by this kingdom, the better to avail herself of the stipulations obtained for His Majesty's subjects by the late convention with Spain."

Mr. Richard Sheridan seconded the motion. It was opposed by the Chancellor of the Exchequer, Mr. Denis Browne, Mr. Cooke, Mr. Stanley, Mr. Hobart, and the Attorney-general (Mr. Wolfe). They opposed it on the ground that Ireland had too small a capital to undertake an East India trade. The restraints on an India trade from Ireland were only to be found in the Irish revenue bill, which annually passed, and which had not been altered, inasmuch as that would have been an infringement upon the exclusive companies of Great Britain, and an attack upon the East India charter.

The motion was supported by Mr. Richard Sheridan, Mr. George Ponsonby, Mr. Conolly, and Mr. Curran. They asserted the right of Ireland to a free trade; and that, as the East India Company's charter would soon expire, this was the proper time to interfere, and to object to a monopoly. Ireland co-operated in obtaining advantages for the empire at large, and she ought to be allowed her share in those advantages.

The House divided on Mr. Grattan's motion; — Ayes 78, Noes 137; Majority against Mr. Grattan's motion 59. Tellers for the Ayes, Mr. Conolly and the Honourable Robert Stewart (afterwards Lord Castlereagh); Noes, Mr. Denis Browne and Lord Delvin.

EAST INDIA TRADE.

MR. GRATTAN MOVES FOR A COMMITTEE TO ENQUIRE INTO THE STATE OF THE TRADE OF IRELAND TO THE EAST INDIES.

February 21. 1791.

ON this day, Mr. Grattan made his promised motion regarding the Irish trade to the East Indies, and spoke as follows:

Sir, I am to repeat some of the arguments, and to introduce a motion somewhat similar to that which occupied the attention of gentlemen on a former night. I do not say that it is the same question as that which, in the year 1779, roused

the spirit of the land. But I do say, it is as near the great question of that period, as the exercise of a free trade can be, a resemblance to its principle and right, whereon that free trade was established. In 1779, you contended, that this country should enjoy a free trade. On this night, you are to contend that this country shall enjoy the exercise of that free trade; you contend to-night, that you may not be deprived by your *own* Parliament, under colour of regulation of the actual exercise and benefit of that free trade, of which you were deprived by the British Parliament, and which now you can only lose by the apathy of the Irish senate.

I conceive that there are some things which Parliament cannot do; Parliament cannot give away the fundamental rights of the land; and, therefore, if this Parliament should resolve, that the people of Ireland should not carry on any trade whatsoever with America, or any trade whatsoever with Asia, Parliament, in either case, would assume an authority destructive, beyond the limits of its trust, and the reach of its power. I am not unaware that Parliament has in England granted exclusive charters to trade, and prohibited the nation in general in favour of particular companies. But he is a puzzled man, indeed, that cannot distinguish between an act of the legislature confining trade to a certain company, and an act which does not confine, but totally and entirely destroys a trade. When England granted a charter to the East India Company, it was not to deprive the English of the benefit of a trade to the East, but to enable the English to carry on that trade in that channel which seemed the most certain and abundant; her exclusive charter was a regulation of English trade to the East Indies for the benefit of the English in general, through the medium of an exclusive company; whereas your act, which prohibits the import of tea, has been a regulation to prohibit the Irish from a trade to the East, for the benefit of the company of another country, and for the total and entire exclusion of your own country from any trade in those countries. The difference between your conduct and that of the English Parliament, in relation to the Eastern commerce, is this: she has regulated to enrich her country, and you to exclude yours, and enrich another; hers has been a *regulation of trade*, yours a *destruction* of trade, under the name of regulation; she has acted on the principle of a nation legislating for herself; *you*, on the principle of an agent on the part of the East India Company, taking precautions against the trade of the people of *Ireland*, and legislating not for, but against them. Your tea clause in the revenue bill, I do not contend, does, in *any* degree what-

soever, surrender the free trade of Ireland; it only surrenders the exercise of it. It surrenders the exercise of it on a principle of alienation to your own country, and of agency to a trading company belonging to another. It is now no longer a question — your right to a free trade; but be assured, it is a very anxious question, and a matter of much speculation, whether, considering how the ministry of your country depends on a minister of England, and how, that your Parliament is filled by the placemen of that minister, — I say, it is a matter of anxious doubt, whether, in the exercise of your undoubted right, you may not *postpone the interest of Ireland*. Whether you may not make such sacrifice of the commerce of your country, in the artifice of regulation, as to do nearly the same thing which Great Britain accomplished by the power of her Parliament over you, and nearly *undo* what you thought *you* accomplished by the late effort of *your* Parliament, and the late spirit of your people? If ever your Parliament should be disaffected to the trade of your country, it will never show that disaffection, by proposing to surrender the same; it will proceed by colour of regulation, and, professing a sacred regard for the commercial *rights* of Ireland, it will select some one article. Tea, for instance, on which the exercise of that *right* may depend, and, prohibiting that article, it will hope to satisfy the people, by proclaiming the right, and to satisfy the minister, by preventing the exercise of it.

In the last debate on this question, we made some way; that the charter of the company — that the laws under which that charter obtains, do not affect Ireland in any degree whatsoever, was on all sides *admitted*; — that the bill of adoption, known more particularly by the name of Mr. Yelverton's act, does not extend to the case of the charter, was likewise on all sides *admitted*. Suffer me to relate a private transaction relative to that act:

I was one of the committee appointed to frame it. The committee was in the Speaker's chamber. A question arose in a certain stage of the bill, whether the provisions of it could, by any interpretation, extend so as to subject us to the English act, relative to the charter of the company. A conversation arose, and we agreed, that it would be highly criminal in us to surrender the chance and hopes of this country to an Asiatic trade, to any body whatsoever. And we further agreed, that it was incumbent upon us so to frame the provision of the bill, as to keep Ireland, beyond danger of misconstruction, perfectly free from the restraint of the charter. The words of the bills were cautiously framed,

pursuant to that idea of freedom; and the committee present at this transaction were, Lord Chief Baron Yelverton, the late Mr. Burgh, and myself. However, any precautions taken at that time will become of little use, if the clauses of tea in the revenue bill are renewed. I must observe, that it is now particularly necessary to discuss this point, because now the charter of the Company becomes expirable; and though it might have been excusable to suffer the question hitherto to sleep, in contemplation of that event, yet, how is it possible for this country to remain silent, unless she means to suffer the minister to sell the exercise of her *Eastern trade to the British Company* in his present negotiations? and, without dwelling on the peculiar propriety of endeavouring to avail ourselves of a trade to the East, after having paid, by a vote of credit, for the securing another trade, which connects itself with China, and being also on the point of loading our West India trade with new duties, in consequence of a late exertion? Without dwelling, I say, on the peculiar propriety of bringing on this question now, for these two reasons, I shall trouble you with a motion, that the committee of trade do sit, and in that committee I will produce merchants to prove, that your regulation of tea prevents your Eastern trade; and then I will produce offers of considerable capital, provided the Irish Parliament will leave the exercise of a trade to the East free to the people of this realm. I accordingly move, "That the committee of trade do sit on Wednesday, to enquire whether any legislative provisions are now existing, whose continuance may prevent this country from receiving the full benefit of her free trade beyond the Cape of Good Hope, and the Streights of Magellan."

Mr. W. B. Ponsonby seconded the motion. It was opposed by Mr. G. P. Bushe, Sir H. Cavendish, Mr. Denis Browne, Mr. Cooke, and Mr. Hobart. They argued, that the trade to the East was an exclusive trade, — the property of England, from which she had even excluded her own subjects, and, by penalties, had confined it to the East India Company. Ireland, therefore, could not interfere with that trade. It was a dangerous question to agitate, and the period improper. The rights of Ireland were not affected by that treaty; and as to the trade itself, few, if any, advantages would arise from it to Ireland.

The motion was most ably supported by Mr. George Ponsonby, Mr. Curran, Major Doyle, Mr. Conolly, and Mr. Vandeleur. They contended, that the present was a fit period to discuss the question, as the charter of the company was about to expire, and that the trade with China would prove highly advantageous to the country. Mr. Conolly said, it could easily be seen, from the complexion of the House, that it would be guilty of a self-denying

ordinance, in respect of its foreign trade. They appeared determined not to pass any law that was not agreeable to the English minister or the English merchant. The British House of Commons consisted of five hundred and fifty-eight members, of which sixty-seven were placemen. In the Irish House there were three hundred members, one hundred and ten of whom were placemen or pensioners; and, he added, that he should not therefore regret to be no longer a member of that body, whom he conceived was acting in direct contradiction to the constitution and trade of the country. Mr. Ponsonby argued, that the trade would be advantageous to Ireland; that she possessed specie, and would procure manufactures; she would find a market in India; her consumption of tea was annually three millions of pounds; that she could purchase tea by the sale of her manufactures; that her situation was like that of any young country entering upon a new species of commerce. He concluded by stating, that if the motion was negatived, it would be by a majority unfairly obtained.

Mr. GRATTAN, in reply, said: I am induced to rise, even at this late hour, in consequence of two observations that came from a right honourable member who lately sat down. He was pleased to say, that if gentlemen on his side of the House delivered opinions that brought discredit on this august assembly, the opposition were in fault, who, by bringing on constitutional and commercial questions, gave his friends an opportunity of disclosing their principles. If this extraordinary doctrine is received; if the wicked principles, or rash declarations of the other side of the House, are to impose silence on this, then the triumph of a corrupt minister must be complete. Suppose him the agent of venality, with a wretched faction belonging to him; you are not, according to this axiom, to propose any good measure to that wretched faction, because it will only furnish them with daily opportunities of disgracing themselves and the Parliament, and of aggravating the baseness of their suffrage, by the disgusting publication of their sentiments. Thus, the profligacy of the government is made an argument to silence the people.

The other part of the same right honourable gentleman's speech which requires animadversion, is a gross and obvious mistating of the question. He supposes it to be, whether the right of this country to a free trade is denied by the ministers of the Crown? Sir, that is not the question; but the question is, whether the right of this country to a free trade to the Eastern hemisphere, which the minister of the Crown *cannot deny*, is not, by the artifice of the minister, rendered a naked right by restraining its exercise; whether the ministers of the Crown, on behalf of the East India Company, do not, in this particular instance, by destructive regulations, render it im-

possible for you to avail yourselves of that right of trade, the principle of which they acknowledge, and the exercise of which they defeat; and if the right honourable gentleman conceives that he can derive any credit with this country by proclaiming her right of trade, while he restrains the exercise thereof, to favour the East India Company, for whom his cabinet in this country is now *an agent*, if, I say, he hopes to derive any credit from such part, that credit is cheaply bought. I support your right to a free trade, says the member, but I oppose your exercise of that right, says his conduct; and by such an abominable artifice, too low for the practice of any but a mean government, and too gross and palpable to impose on the lowest intellect of any in his ranks, is the claim of right reconciled to the effectual surrender of all its useful and commercial consequences.

When gentlemen on the other side oppose this question; when they oppose the exercise of your right to trade, they have the less weight with me, because I remember those very gentlemen opposing the right itself. I remember those gentlemen opposing it with the same arguments and the same threats. And I remember those very gentlemen renouncing all those arguments, and coming over to our measures. I look, therefore, on the arguments now of such men with little regard. These gentlemen have endeavoured to post themselves on two grounds; first, that a trade to Asia is impracticable and useless; secondly, that you are commencing hostilities with England, by your attempt to exercise it. As to the first ground, I must observe, that you are not to ascertain the limits of the capacity of your country by the limits of the understanding of those who compose her government; and, in general, national exertion is not to be cramped by the limits of human foresight. England is a proof of this; who, in 1715, rejected a commercial treaty with France, because she knew she would have been undersold in her markets; and now, in 1791, she undersells the French in the markets of France. Who could have foretold this? Manchester, another proof; who could have foretold her present state? that a town which, at the peace of 1763, did not export any article, except velvets, should now export some millions? Was it any extraordinary capital? No. Was it exclusive industry? No. Was it the discovery of any spell? No, No. Mr. Arkwright is no magician; but great and extraordinary talents are called forth when left free; and English talents possess what Irish talents want. An unstipendiary cabinet, an unintimidated Parliament, and a presiding public care, — that excites the spirit of the merchant, and the genius of the people. Holland is a

stronger instance of rapid growth beyond human foresight. In 1718, almost submersed in Europe, we see, in that period, Batavia rising in silent pomp, and Eastern magnificence, with more than royal state, built on the foundations of republican hardihood and commercial enterprize. What was the cause? Her enterprize was uncontroled; she was the object of her own government. Her cabinet did not sell her commerce.

America is another instance. Bankrupt America; that America with which, in 1785, you said you could not trade, where is she now? See her wrapped in her Western car of steady breeze, flying faster far than the prophet's flame; which fell short of her progress, and traversing parallels and circles, until she spreads herself a vast navigation in the Canton river, a power of the deep, with forty ships, where she should find your vessels, if the treachery of your ministers did not betray your physical opportunities. What is the cause of this American progress? The narrow speculation of the politician does not prescribe to the speculation of the merchant; her custom-house is not her lawgiver; the opposers of her freedom are not the cabinet of her country; her ministers are not her spies; her spies are not her ministers. These instances, with peculiar force, apply to the present case, because the trade on which gentlemen speak, is, in a peculiar manner, beyond their comprehension. Do not these gentlemen know, that the growth of Ireland, to whose capacity they would dictate, depends on certain progressive causes which, as yet, they are not competent to ascertain; capital, whose growth they cannot ascertain; industry, whose growth they cannot ascertain? And the growing liberty of this globe, whose progress is begun, whose progress is interminable, and enlarges the sphere of your commerce with the sphere of her action, if they cannot ascertain the seeds of the capacity of their own island, how much less the region comprehended in this question. Have they traversed these countries? Have they resorted to the historian? Have they consulted even the globe on the subject? Have they run over the parallels of latitude and longitude? Do they know the produce, habits, rivers, names of these districts? If ignorant of the actual state, how much less can they prophetically decide on the future? How long, for instance, the Philippines will they continue shut? How long will other nations of the East continue the exclusive property of the kingdoms of Europe? Will these gentlemen now venture to say, that the country which lies within the Ganges, 2000 miles in length, and 1500 in breadth; that the Indies, which lies beyond the Ganges, 1000 in breadth, and 2000 in length; that the Oriental islands, of which one extends

11 degrees in latitude, and 15 in longitude; some of whom equal England, Scotland, and Ireland, with all their islands, creeks, and bays; that China, with her 58,000,000 of people, — these countries, in space incomprehensible, in population infinite, and in produce indefinite, cannot in all the afflux of time and rapid shifting and fluctuation of things, offer a beneficial intercourse to Ireland. Are they, are your ministers competent to decide this point against the country? I should have thought their studies had taken a different direction; the still, the brewing pan, the provision for their numerous offspring; or, when grovelling cases rise to public crimes, the sale of members, and the trade of Parliament. Who are competent to decide this question against you? Shall the officer of the custom-house, the commissioner? Will he come forth, and with an exciseman's foresight, and a gauger's genius, take up his dipping rule, and describe parellels of latitude, or circumscribe the track of navigation, and limit the march of nations? Will the crown lawyer, learned as he may be in his own way, will he close his black letter page, and, turning to the different hemispheres, give an opinion on climates unknown, people unknown, and countries whose names, and rivers, and habits, and produce, he has not heard of? Will the Irish cabinet? Shall such, decide the fate and fortunes of this country? They have decided, and in giving their reasons, they only detail their ignorance. They tell us we have no capital, but with what authority do they tell us we have no capital? Have they made an enquiry? Have they gone from merchant to merchant? Have they taken the pains to knock at his door, or have they gone to the Castle door, and learned the watchward of the day, which it seems is,—we have no capital? In 1779, you had less; and had that objection been listened to then, you would not have had either your present capital or your free trade; but the fact is, capital must be soon subscribed from the nature of the trade. The import of tea cannot be attended with a hazard, because the consumption is certain. The price in China is nothing; the market in Ireland certain; and the profits on the sale great as they are certain. I do not speak on speculation. Some considerable merchants have spoken to me on this very subject, and have given the strongest assurance of a great subscription. What will you say now? But, Sir, it does not depend on home capital; capital will come in from abroad. Who among us that does not know that much foreign European trade to Asia is carried on by English capital, much of the Ostend, much of the Danish trade is so carried on, which the English capital would, on the event of opening the trade here, pour

into Ireland? Do not we suppose that many of the unchartered subjects of England would, through the free ports of this kingdom, exercise a free trade to the East, and make this country a deposit of their capital; many who have been in service of the company, and whose experience would direct, and capital support our enterprises. Sir, gentlemen on the other side, not only suppose this, but *they fear it;* and it is the fear of imported capital, and not the want of capital, which makes your councils on this subject falter. Here the provincial genius of your cabinet tells against the free trade of your country. This is the point in which you touch the company, and this is the point therefore in which you touch the British minister, and electrify your cabinet, the last link of that chain. They fear that English capital will flow into this country, to carry on a trade to the East. Offers have been made already; I know of two particularly. You now are preventing capital from coming into Ireland. Do you remember the propositions? How eager you were then for capital; so eager that you wished to get rid of the constitution, to get what you called capital. You told us that, for a certain sum of money, it waited on your determination; I believe it was 60,000*l.* that you said would be immediately deposited in Ireland, on the reception of the propositions; and, to get that capital, you seemed to say, no constitution; but now, when you are to exercise your trade, under your constitution, you cry out, no capital.

But gentlemen say, you can have no export. I can answer by referring them to two instruments in which they are concerned, one the convention, and the other the propositions. The convention, the work of the British minister; the proposition, the device of both. On the subject of the first, we were taught by those gentlemen, that we should have a vent for the fur of Nootka, in the market of China, and we are also taught to hope, that the inhabitants of the former will be clothed by the woollen and blanketting of Europe. The propositions was another instrument; those gentlemen on that subject informed us, that we had good reason to expect that very trade which they now deny—an export to Asia. The propositions restrained our merchants and shipping from a trade to Asia for ever; but, as a commutation, permitted the merchants of the company, if they choose, to touch at Cork, in their way to Asia; that is, to come to the West in their way to the East, and to get assortments of Irish manufactures; and so certain were gentlemen at that time, that we had articles which people of the East would purchase, that they supposed vessels would come out of their track in quest of them. They particularized some articles; glass was one. They relied on the

evidence that appeared before the Lords of England, which stated their fears, lest Ireland should export various articles to the East; and they further particularized the market to be China. You, then, in the opinion of those gentlemen, were likely to export articles to the East. Now, it seems, you are not. Thus, in their opinion, the disadvantage of going out of the way is a decisive circumstance in favour of the export, and the circuit constitutes a decisive advantage in trade; but at that time you were to purchase from the company by the surrender of your free trade, a feeble speculative chance, and then your advantages were inestimable. You are now to exercise those rights, and it seems they are nothing. What I now state is in answer to those gentlemen; but an answer to them is none to the public. It is impossible for any man now to affirm that you will, or will not have an export to the East. But what export have we now? What does the company take from you? Does the company take the linen, the glass, the cutlery, or woollen of Ireland? Now, what do you take from them? All articles which you want, luxuries, even manufactures which England will not suffer her own people to take from her own company. You take tea to the amount of near 400,000*l.* The question is not whether you shall trade with the East, because you now take the produce of the East abundantly; the question is, whether that trade shall continue an entire accumulated balance against you? Send one yard of cloth, one glass bottle to China, and you stand better than you have done; employ one vessel in that trade, and you stand better. Is our shipping nothing? Is that of no benefit to this country? The trade is now a trade of uncompensated import; it is also aggravated by an extraordinary price for the article: tea is an article of general consumption.

Here gentlemen have said, it is for our own advantage to confine our consumption to the company, and that we get tea from England cheaper. These gentlemen subject all packages of tea, except from England, to forfeiture. Why? Because they know the fact to be contrary to their argument, and that the tea of England is dearer.* Those gentlemen strengthen that penal clause by another, which subjects the vessel to forfeiture. Why? Because the tea of England is much dearer. Those gentlemen strengthen this clause by another, which subjects the vessel from whence the tea is subducted to forfeiture. Why? Because the tea from England is much dearer. Thus their law falsifies their argument, and their argument disgraceful secretly falsifies their law; and both argue a situation of sad embarrassment between a duty which they profess to Ireland, and an interest which they are to manage and ad-

vance in the court of Great Britain. This is, however, only an answer to those gentlemen, and not to the country. The fact is, that the Dutch tea is much cheaper, and the tea in China about 300 *per cent.* cheaper. Bohea tea is only 8*d.* *per* pound in China. Here then is a trade of uncompensated import, aggravated by extravagant price; so that you sacrifice to the East India Company your consumer as well as your merchant. Tea is of as general consumption as sugar. Let us bring the statesman to the weaver's hovel; the first meal is his breakfast: he asks, why is sugar so dear? "Because we tax the sugar you eat, in order to send to the English settlements the web which you make." But why is tea so dear? "Because by our own laws we can only get tea from the East India Company through England." But that Company takes your manufactures. No; by her charter she must not take any thing from us; and by our law we must not take tea from any but from her. Here, then, is your law and her charter, combined against your trade and your consumption, and your people sacrificed by your laws. You load your West India trade, under compact with England, that admits you, and you prohibit your East India trade in compliment to the Company that excludes you. Thus you stand, East and West, loading the trade to the one, and preventing any trade to the other. You do more, you load that West India trade anew, in consequence of a system to establish a trade in another part of the world, of which system your Eastern trade is a part, which, at the same time, by your own act, you prohibit.

I need not add, the operation of this tea clause is to subject you to a British tax. All those East India articles which you take from England are taxed, and on some the tax is not drawn back. There are about forty of them of that kind; for all these you pay taxes to England; drugs, and a number of others; and though you could import these things from other places, yet the great article being only importable from England, governs the trade in all the others, and forces it through the British Channel, subject to British taxes. They object to this step on account of England. Hostility to England; this is their second ground. Sir, it is a ground on which I should tread with much tenderness indeed. Wedded for ever to that nation, we may sometimes discuss, sometimes argue, never separate; and it is with the less anxiety I embrace the present subject, because it does not, in any degree, involve us with England. It is not like the West India trade, and yet you demanded a participation of that trade; nor is it like the markets of Great Britain, to which she had reserved to herself

an exclusive right. Do these men who, in the attempt of the propositions, precipitated this nation on that very subject, and the passions that surround it, do these men now talk of inflaming England, by not excluding ourselves from a trade to Asia? Sir, the question which you now tremble to decide, you have decided already. You have decided the principle of the free trade. I should be ashamed to call it a new question, where you are now only to decide on the exercise of that principle in the case of the East India Company; and, instead of the feelings of England being against you, if you exercise your free trade to those regions, the scorn of England must be against you, if you surrender it. Could she but scorn a nation who asserted against Great Britain her free trade with the tone of authority, and now surrenders the exercise of it to the artificers of her revenue bill, abetting the pretensions of the East India Company. She must be the more astonished when she finds that you have been challenged to exercise this trade by an honourable member, who gravely and plainly told you, that, if you attempt it, the East India Company will make war with Ireland. There was a time when such an observation would have been considered as something more than despicable trumpery, in the place of argument; it would have roused you to the exercise of that right; it would have decided you in favour of the attempt. But you are wise by starts, and great by intervals. At one time you demand a free trade, and a free constituion; three years after you offer back, as at the time of the propositions, that free trade and free constitution; then you submit to a ministry who opposed the establishment of the one, and who proposed the surrender of the both. At one time you demand a free trade, and a share in the West India trade, and now you are satisfied with an exclusion from the East India trade; and for that exclusion, you make a present of your free trade to the Eastern hemisphere. This ebbing and flowing of your political fire is *to me* astonishing. Like the sea, it rages, and inundates, and then retires, and leaves the public mind for years sterile, damp, swamp, and unseemly. It is on this beach, the old court, with its elemental dross, has returned, to build the present administration, the old foundation of corruption, the same giddy and empty superstructure, the same flag of corrupt authority; principles mean, manners contumelious; the same men improved in guile, or the same principles in new men, desperate as their predecessors. In you, your cabinet is tainted with *disaffection*; I do not mean to the King; no, they are brought by the minister of the King to SELL THE TRADE OF THEIR COUNTRY.

The question being put, there appeared, — Ayes 85, Noes 146; Majority against Mr. Grattan's motion 61. Tellers for the Ayes, Mr. Ponsonby and Mr. Vandeleur; Noes, Lord Headford and Mr. Pery.

DUBLIN POLICE BILL.

MR. GRATTAN MOVES HIS RESOLUTION REGARDING THE POLICE OF THE CITY OF DUBLIN.

March 4. 1791.

MR. GRATTAN rose to bring forward his promised motion on the subject of the police. Previous to his entering on the business, he requested the clerk would read over the names of the several corporations, and other bodies that had presented petitions against that establishment; which being done, he observed, that, from the number of those petitions, it appeared, beyond the possibility of doubt, that the police institution was in a high degree obnoxious to the citizens of Dublin; it remained for the House, therefore, either to repeal the institution, or to reform it so as to render it adequate to the purposes of protection and the preservation of the peace. Before he would enter into any argument on the subject, he would read a resolution, formed without any acrimony against the institution, and carrying no edge against those who had devised and supported it. The motion of last session had, perhaps, a little too much point in it, and on that account it might have been thought impolitic to agree to it. The resolution he had now to propose was free from this, and was such as any man in that House might support, without any imputation of dishonourable inconsistency. He would read the motion, in order to know whether gentlemen would oppose it; if they would not, he would immediately move to bring in a bill for the purpose of establishing an efficient and economical guard; if they would oppose it, he must enter into argument to show its propriety.

Mr. Monk Mason declared his intention of opposing the motion.

Mr. Grattan. The police establishment is one of the many unhappy effects that flowed from the return of the old court into plenitude of power; that court had been for a time removed, when the exertions of the country recovered her

liberty, and, in an evil hour, returned again, when her exertions proceeded to excess; it returned after a long famine, and with all the poison of its old principles. Character of their own to stand upon, these veterans of power had none; but they had the excesses of some of the populace on which to build, and they formed an administration, not on their reputation, but the disrepute of the populace.

They had but two instruments of power and means of government,—corruption and coercion; instruments by which any man, any woman, or any boy could govern, provided the people were destitute of every ray of sense, and every particle of virtue. They directed these engines against the kingdom in general, and the city in particular; they knew very well, that great corporate cities are the mansion and habitation of constitution and liberty; and they judged, with some degree of sagacity, that to men, like themselves, corporations were therefore dangerous; they recollected, that the corporation of London had been against the second Prince of the House of Stuart, a bulwark; and to the five members, violated by that prince, a refuge; they recollected, that the corporation of Dublin had denied the authority of the Parliament of England in this realm, when they themselves hung back and prevaricated; and they were too well acquainted with the importance of its independency not to form some plan for its destruction. They also recollected, that a number of placemen and pensioners, in both Houses of Parliament, much increased, and hourly increasing, might alarm the jealousy of the capital; they knew that men, voting perhaps against that very constitution which the kingdom had obtained, and against the exercise of that very free trade for which the nation strove, and which she idly, perhaps, imagined would be immortal; they knew that these men would act with more satisfaction to themselves, and confidence in the government; they were protected by arms against the odium annexed to their conduct, and the infamy annexed to their reputation; *so that, in their* opposition to every beneficial, and in their *support of every* pernicious project, they might enjoy perfect privilege of Parliament, and feel no anxiety, except the alarms of a bad conscience, and the contemplation of a ruined character.

The minister, therefore, judiciously resorted to two instruments — a place army, and a pensional magistracy; the one was to give boldness to corruption in Parliament, and the other to give the minister influence and patronage in the city. Their means were this police establishment; the *plan* they did not entirely frame — they found it. A bill had shown its face in the English House of Commons for a moment, and

had been turned out of the doors immediately; a scavenger would have found it in the streets; the groping hands of the Irish ministry picked it up, and made it the law of the land, and a code for the city. This bill had not the trace of a legislative head, nor the mould or frame of a legislative hand. Its first idea was radically wrong; it proposed to supersede the Lord Mayor in his own city, that magistrate to whose care the charter and constitution of the capital had committed the force of the metropolis, and the peace of the city; the bill superseded his authority, and put in his place, under the name of commissioners of Police, a perpetual dictator. This perpetual dictator was to command horse and foot, and was himself to be under the command of the court. His power was detailed through a number of inferior officers; aldermen, treasurers, constables, clerks, secretaries, agents, and attornies, all dependent on the minister, and all independent of the city. The army, over which this numerous commission of patronage was to command, was as ignorantly and mischievously constituted, as the officers by whom it was to be directed. Their office was that of caption and arrest, and yet they were armed with an instrument, not of caption, but of death; a nightly watch was armed with a firelock and bayonet, which it could use but to murder; the lantern and the catchpole were taken away from them, and thus they became a mongrel army; that is, they had the arms of soldiers, without the order or discipline, and therefore became bad soldiers and bad citizens.

The pretence for this establishment was as idle and impudent as the establishment itself was improper and mischievous. The minister stated certain riots in 1784, as a ground for establishing a police in 1786. This guard of 1786 was to quell a disturbance that had ceased two years before its commencement; a disturbance which arose from causes no longer existing, and which, if the cause of the disturbance did now exist, the police might inflame, but could not suppress.

This establishment, with such a view, and of such a construction, and under such a pretence, having taken place, after a year and a half's experience, became a subject for parliamentary enquiry. In that enquiry it appeared, that the police guard had become a nuisance; had imprisoned the citizens; had levied fines upon them; had thrown their children, without pretence, into the watch-house, and detained them all night among common prostitutes; had suffered robberies to be committed by their guard-house; had refused to interfere, and had, by their own riotous and lawless proceedings, involved themselves in a train of litigation, to be

added to all their other mischiefs; litigation to be paid by the public, in consequence of outrages committed upon the public. It appeared on that investigation, that the persons injured by the police guard had applied to the police magistrates; it appeared, that those magistrates had given no redress, — seldom at their office, generally at the tavern. These men, like the Turk, were, indeed, the cause of much suffering; but, like the Turk, inaccessible to complaint. They appeared to have paid as little attention to the application of the citizens, as the minister had paid to the complaints of the people. What was the result of all this discovery? You would have expected that the House of Commons would have interposed, after such clear and explicit information. It would have felt indignation at such public neglect and outrage, No; the majority, that is, the minister and his phalanx, abetted these abuses; they entered with a kindred warmth into the protection of outrage, of negligence, of exaction, and of insult; of abused power, and lazy, insolent authority. Statements which should have made an honest ministry serious, made them *merry*. They were facetious on the sufferings of the sober citizen; they were juvenile — they were *accomplices!* The little criminal of the administration took part with the criminal of the police. They knew perfectly well, that the police had not failed their expectations; for they knew it was not a guard to protect the innocent train of peaceful citizens, but to cover and shield the voting tribe of servile courtiers.

Thus dismissed by a court, as profligate as the police, the citizen waited for another year, until, in 1789, a committee sat to enquire into the expence of the police establishment. It then appeared, that, in two years and a half, they had expended 51,000*l.*; that, of that sum, somewhat less than 10,000*l.* a-year was for the guard; and the remainder, about 10,000*l.* a-year, for the patronage and its incidents. It appeared, that the managers of the institution had gone into various ridiculous and criminal articles of charge. Their furniture, their stationary, their servants, their improvident contracts, furnished the committee with abundance of matter; and showed that the establishment had been as prodigal of money, as negligent of duty. Thus it appeared, from the labours of the two enquiries, that the city had paid amply, not for protection, but injury — for being beaten, abused, and insulted; and that the minister had not given them a guard, but had put his guard upon them, which served to protect his minions at the expence both of their person and property. But the labours of the second enquiry were as ill received as those of the first; and the same fatal aversion to the citizen, and the

same termagant spirit of the ministry, prevailed. The intemperate and indecent court rejected the report with the little feminine fire of a scold, and left the police unpunished, and the city unredressed. Permit me to say, I can hardly condemn the persons who are concerned in the police establishment. It is the minister. He is the inventor; he is the protector; and he is answerable to the city for the crimes of that establishment. There are some institutions which, from the presiding genius that governs their birth, point to evil, and insure all the mischiefs and malignity of their future operations. When once a court presumes to model a corporation, and puts its own guard on the citizens, it is not the magistrate, it is not the watchman, — it is the meddling and mischievous minister; he is the object to the public, and he is the public enemy. These men had been, perhaps, excellent magistrates, if not contaminated by an illicit connexion with him. These guards had been, perhaps, excellent watchmen, if they had been the watch of the city, instead of being the hired raggamuffins of that minister, and the corrupt court that depends on him. We do not now propose a farther examination, because we cannot forget the fate of the past; but we find, from their own accounts, that the police expences are now nearly what they were at first. Their own return of the *gross* charge for the year 1790, is 18,000*l.* per annum; for the year 1789, the same. As to their efficacy, we can produce evidence of robbery committed contiguous to the guard-house, and in the neighbourhood of the police-house! We can produce evidence of their refusal to pursue a robber; and of their putting the person robbed in the guard-house for making a noise, and then demanding of him drink-money; and then proposing to the servant to sell his master's hat, in order to procure liquor. It was the case of the servant of a member now in this House. We can produce evidence, that persons have been put in the watch-house without any adequate cause, detained part of the night without any redress from the magistrates to whom they applied, and finally discharged by the watch on paying money.

Sir, I have a measure to propose, if you should think the present police establishment ought to be given up. I should propose a guard, not of 500 men, but of 700 in winter, and 500 in summer, paying them what they now receive *net*. The pay of this guard would cost about 8000*l.* per annum. I would preserve the 40 constables, at 25*l.* per annum, which would make the whole 9000*l.*

Sir, the city-tax alone, according to the paying return, is 10,600*l.*, which would supply that charge, and other expences,

and leave a redundancy for clothing. There are two other taxes, which amount to 2000*l.* a-year, the register of carriages and licences; add these to the other, and you may well give up your tax on carriages.

I would have one office on each side of the water, where the aldermen should preside by rotation. I would leave the watch or city guard under the direction of the parishioners, and the whole under the direction of the Lord Mayor. The expence of these two divisional Houses, and of any clerks the Lord Mayor might find it necessary to employ, could not be much, and would be easily paid out of the taxes. I would retain the city tax; the register of carriages and the licences; then you would have more watchmen, equally well paid, and less taxes, and no influence. He then moved the resolution.

"Resolved, That the establishment of the police for the city of Dublin has been an experiment of considerable expence, without the promised advantages, and that it is now expedient to establish a guard for said city under the direction of the different parishes and the Lord Mayor."

The motion was opposed by the Attorney-general (Mr. Wolfe), Mr. Mason, Mr. Denis Browne, Mr. G. P. Bushe, and Sir Hercules Langrishe. It was warmly supported by Mr. Sheridan, Mr. C. O'Neill, and Mr. J. O. Vandeleur. They maintained, that the police establishment was extravagant and inefficient; the city was not protected as it ought to be. The object of the system seemed to be, to procure an improper authority in the city; its object, unquestionably, was patronage; and its features expence, inefficacy, and influence.

Mr. GRATTAN, in reply, observed: my honourable friend (Mr. Bushe) desires me to bring forward a bill, but he has given me good reasons for not doing so; because he has, on my suggestion of a plan, quitted an irksome defence, and has gone into a number of premature and idle objections, and has shown a greedy determination to oppose any scheme of police whatsoever, the base of which is not the corrupt patronage of government. He is willing to increase the watch, and willing to make me instrumental to that increase, but desirous at the same time to keep the new addition of men under the same direction which has rendered the old inefficacious; all he desires is more men, more expence, and the same corruption.

My honourable friend, by proposing that I should prepare a police-bill, betrays a thorough conviction of the defects of the present establishment, and sagaciously conceives it would free the character of the friends of government to attack a plan suggested, rather than defend a plan reprobated.

My honourable friend has said, that the plan I suggested would cost for the mere watch, paying them as they are now paid, 13,000*l.* in which the haste of the member forgot how the present watch are paid, and how the proposed guard is to be paid. He did not know that deductions were made for clothing and other particulars from the pay of the present, which diminish that pay to what I allow net for the guard proposed. The sum I allow is 8000*l.* per annum for the watch, and 1000*l.* for the forty constables; but he says, I propose an expensive establishment in having two offices with two aldermen presiding by rotation. He forgot, however, to estimate the expence of two aldermen so presiding. If he were to make the estimate, he would answer his own objection, unless he supposes that we take the example of the minister, and establish offices merely for patronage. My honourable friend derides the proposal of taking away the bayonet and firelock from a watchman, and giving a catchpole. It seems he has no idea of a constable; no man, he thinks, can arrest, unless he is armed as a soldier; he compares a watchman so armed to a shepherd and his crook, and thus, by a jest, he thinks he settles the question. Joking is a bad public style at best, but a poor joke on the subject of public grievance is of all exhibitions the least respectable, either for the House or the member himself.

My honourable friend then appeals to the conscious conviction of every man who hears him, whether the present police have not answered the purposes of protection, and having by that appeal excited a sentiment in every breast which revolts against his cause, my honourable friend concludes, and leaves me free to apply myself to his right honourable friend who first stood up against this motion. That right honourable gentleman has laid down four positions on which he defends the present police in the city of Dublin. He first gravely, positively, and repeatedly asserts, that the expence of the establishment does not exceed 13,000*l.* in which assertion he is directly, flatly, and fully contradicted by every return to Parliament on this subject; by the report of the commissioners of accounts; by the return of the board of Police presented some weeks ago, and by the returns of this day; but the right honourable gentleman has been contradicted by another very powerful and victorious authority: a young gentleman, almost the youngest, but perhaps one of the most clear and acute men in the House (Mr. Vandeleur) has completely confuted that grave and learned member in all his mistakes and his miscalculations. This young member has informed the old one, that the expence of the police for the

last year has not been what he stated, 13,000*l.*, but has been 18,000*l.* a-year; and he has pointed out to the learned member the folly and fallacy of his attempting to separate from the expences of the police that charge which not only belongs to it, but is by far the most exceptionable part of it, viz. the salaries given to the seven aldermen. He has shown that the decrease of the expence is produced principally by comparing the net increase of this year with the gross expence of some of the former, and by the presumption and ignorance of those who form their account, and presume to tell this House, that the expence of collecting the police taxes, and the balances due to the first commissioner, is no part of the expence of the police. He has shown the learned member this by public documents, by papers signed by the proper officer; and, in so doing, has proved, that he is erroneous, not in a point where the veteran may err, and the young man may correct him with disgrace, but in matters of fact, in matters of arithmetic, in which a person of his years and high place cannot be detected without being in some degree put down and diminished. The honourable gentleman, I mean my young friend, has also shown that the learned member is as erroneous in principle as in fact, and has told him that the great prodigality of one year does not, in equity or common sense, justify the prodigality of another.

The right honourable and learned member proceeded to a second assertion, and he denies that the police establishment has given the government any influence in the corporation *whatsoever*. He does not confine himself to say, that it has not given government an influence which is decisive, but he denies any influence whatsoever; thus, he tells you, positively and absolutely, that the disposal of seven places, during pleasure, among the board of aldermen, does not give the court any influence in that board. He says this, after the experience of the powerful effect of that influence in governing and directing the proceeding of that board, for these some years back; and he says this in a House where the effects of places under the Crown is so perfectly understood, and where the conscious conviction (for that word was used by his side) of every man who hears, and of no man's conviction, must administer to his own mind an immediate and rapid refutation. Having positively denied the fact of influence, the grave and learned member comes to his third position, and he denies the fact of outrage. He says, that no outrage, no murder, no robbery, has been committed in this city for a long time. He says this, in the midst of men, every one of whom is able, and some starting up to state to him some murder, some robbery,

or some outrage within their own knowledge, recently committed in the capital. The gentlemen on these benches, I hear them this moment buzzing about my ears different relations of these crimes recently committed. How must an injured citizen, who has been robbed, and who hears that right honourable gentleman make such an assertion, if he is present, how must he feel? The right honourable gentleman has not only said, that there was no capital in Europe where peace was so well preserved as that of Dublin, but that it is that unexampled capital, in which, for a considerable time past, there was no disturbance nor outrage at all. An honourable gentleman, this moment, reminds me of a murder committed lately in his neighbourhood; another right honourable gentleman reminds me of a robbery in his neighbourhood, and another of —— but it were wasting your time to go into all of them. I follow the right honourable gentleman to his fourth position, in which he tells you, that, in the various prosecutions for or against the police, the latter have appeared to have been in the right. A committee, in 1789 called for their bills of cost, with the event of the suits; and in the majority of those suits, the police was convicted or defeated. I have looked at the bills of cost for these last years, and I find, that in several of the suits, the police have been convicted or defeated. But there is a suit which, I marvel much, should have escaped the right honourable member, a suit of much celebrity, and of power totally to refute and prostrate his solemn assertion. The suit I mean was an action brought lately against the first commissioner of the police, and damages found against him to the amount of 500*l*. What does the right honourable member think now of his own assertion? What is his own opinion now of the force of his own argument? These facts and determinations, which totally subvert the argument of the right honourable gentleman, have passed most of them in those courts where he himself practices. I marvel they should have escaped him; but, says the right honourable gentleman, the people have been inflamed to take a part against the police. Does he then really think that any artifice, either of speech or publication, could have created the present solid detestation entertained against such an establishment? But if any thing regarding such an establishment has been inflammatory, if any thing has been uttered likely to kindle the indignation of the public, it is the speech of the right honourable gentleman; for what more mortifying than to hear that grave and learned character come forth in support of such a system, and with such arguments and assertions? If a young man of the Castle advances in support of

a grievance, he is but little regarded, but when, to complete the despair and kindle all the indignation of the public, a veteran, a grave, a learned, and a right honourable gentleman steps forward; gives his sanction to public rapine, annexes his authority to corrupt influence, and vindicates the notorious neglect of public duty, and puts the seal of his name to the grievances of his country, this is the sharpest arrow against the people, and this is that drop that makes to overflow the cup of bitterness and misfortune. It was mentioned as matter of apprehension, that the subject would hardly bear the continuation of the police, and might refuse to pay taxes. I hope no such event will ever take place; but, on the contrary, that they will submit to the laws, however unwise, and in all legal acts to their governors, however corrupt and contemptible; for nothing could so materially affect the public cause as any illegal step on the part of the people. Recollect, it is to the chance of popular error only such a ministry can hope for its continuation; left to its own conduct and character, it must at last fall.

The question was then put on Mr. Grattan's motion;—Ayes 87, Noes 135; Majority against the resolution 48. Tellers for the Ayes, Sir Edward Crofton and Major Doyle; for the Noes, Lord Delvin and Mr. Denis Browne.

EAST INDIA TRADE.

MR. GEORGE PONSONBY MOVES FOR A COMMITTEE TO ENQUIRE INTO THE LAWS REGULATING THE TRADE WITH THE EAST.

March 7. 1791.

MR. G. PONSONBY, in an able speech, set forth the advantages that Ireland might derive from a trade to the East. He contrasted her resources with those of England, when she first engaged in that trade one hundred and ninety years ago, and at that time England had but four ships, and 67,000*l.* embarked in the trade. At present the capital engaged in that trade amounts to 200,000*l.*, and 90,000 tons of shipping. Ireland had a right to expect some advantages would accrue from such a market being opened to her. The connection between the two countries was not affected by this question. When Ireland was a colony and a province, England excluded her; but now that England had abandoned that principle, Ireland became as free as Great Britain in commerce and in constitution. Mr. Ponsonby concluded by

moving, "That the House do resolve itself into a committee, to take into consideration an act passed in the sixth year of his present Majesty's reign; and also, one other act passed in the fifteenth and sixteenth years of his present Majesty's reign; also, one other act passed in the twenty-third and twenty-fourth years of his present Majesty's reign; also, one other act passed in the thirtieth year of his present Majesty's reign, intituled, 'An act for continuing and amending several laws relating to his Majesty's revenue, and for the more effectually preventing of frauds therein, and for other purposes therein mentioned, so far as the said acts relate to the importation of tea from any country except Great Britain.'"

Mr. Grattan seconded the motion. It was opposed by the Chancellor of the Exchequer, Mr. Osborne, Sir Lucius O'Brien, Mr. Mason, Mr. Archdall, Mr. J. Moore, Sir Boyle Roche, Mr. Holmes, and Mr. G. P. Bushe. They contended, that the motion involved a discussion of the rights of nations, which at present was unnecessary, and might be injurious to the connection between the two countries. It was supported by Mr. Latouche, Mr. Forbes, Mr. Stewart, Sir James Cotter, and Major Doyle.

Mr. GRATTAN said: I have endeavoured to collect all the arguments urged by the gentlemen on the other side, and, I think, they are reducible to three heads: 1st, That the motion of my honourable friend is unseasonable; 2dly, That an Asiatic trade is impracticable to Ireland; 3dly, That, if attempted by Ireland, it would be fatal to Great Britain. As to the first objection, it has been fully answered by my honourable friend, who told you that this question was not only seasonable but necessary, when the Company's charter was on the point of being renewed, and when the British minister had applied to Ireland for a vote of credit to support and secure a trade with which the Asiatic trade was essentially connected. The charge of inconsistency urged against us, which has no connection with the merits of the question, will appear to have as little connection with truth. A member has said, that, in 1782, a resolution was proposed, declaring that whoever agitated these questions was an enemy to his country; the answer to that charge is, that it is not fact. No such resolution was proposed, nothing in any degree similar to such a resolution was proposed; but, on the contrary, a resolution was proposed, declaring "This country was free from the power of any Parliament but her own, and that to maintain the power or authority of any foreign Parliament was to be an enemy to the country." The other charge preferred against us, as having prevented the appointment of a committee in 1783, for enquiring into the subject of an Asiatic trade, is answered as the former, by observing, that it

is not fact, and by producing the journal of 1783, in which we appear to have assented to a resolution appointing a committee to enquire into the subject of an Asiatic trade; thus the two charges are proved to be false. The member who made them, observes, that we were not free until an English act of renunciation made us so. He conceives, then, that our liberty was created by a grant from the Parliament of England, who is as competent to repeal that act or grant, as to have made it. Thus he shows himself as ignorant of the nature of liberty, as he is careless of the truth of his accusation. But I beg pardon for troubling the House with such an object, and come to the second head of objection, which assumes, that an Asiatic trade is to Ireland impracticable, and the right honourable member and his honourable friend, and almost all the gentlemen on the other side of the House, have laid it down as an axiom in commerce, that no country can trade to the East without territorial possessions; but against this axiom there are two authorities, first, the gentlemen themselves, who have repeatedly told you how Ireland, without any territories, can carry on not only a trade to the East, but so triumphantly carry it on as to destroy the British company with all its territories. The second authority is America, a contemporary instance this moment, carrying on that trade without any territory whatsoever; not only trading in the ports of China, but even in those of Bengal. Do the honourable and right honourable gentlemen know this, or is it in ignorance they debate the question? Do these gentlemen know, that there is a house in Philadelphia that trades directly with Bengal. The case is, the Americans do not admit the goods of the Company from England, and, therefore, the Company wisely permit America to take their goods directly from Indostan in American vessels. Thus America, exercising her free trade, forces herself into a degree of participation with the monopoly of the Company, while Ireland, submitting to be excluded from the monopoly of the Company, forces herself out of her free trade. See the different effects of a spirit of freedom seconding the freedom of the constitution, and a spirit of concession counteracting and defeating it.

Gentlemen have been so confident of the incapacity of this country to carry on an Asiatic trade, that they positively affirm, you can only derive from the attempt the dishonest advantages of smuggling tea into Great Britain. The duties on tea in Ireland are 13 per cent.; in England 12½. These gentlemen suppose, that the merchant will pay the higher duty, in order to evade the lesser; that he will pay 13 per cent. in Ireland to smuggle into England, at the expence of

the circuit, and the dangers of the penalty. It seems to them, that he will expose himself to danger; pay the expence of an additional voyage; and also the additional half per cent., merely for the gratification and delight of smuggling. This argument, therefore, of the honourable gentlemen is refuted, by being reduced to an absurdity; so great an absurdity, that nothing will prevent men from supposing, that the members who use this argument, conceive, that all tea is smuggled into Ireland; that the ports are negligently watched; that the revenue officers do no duty; that the commissioners are not officers of revenue, or senators of Parliament, or ministers of state. This surmise will be the more prevalent, when this argument comes from a commissioner, who best understands the state of the ports, and the likelihood of smuggling. However, I do not agree with such conjecture; I believe the ports are better watched, and that the commissioners are much better officers of the revenue than they are either members of Parliament, or ministers of state. The principle of this argument, however, is highly dangerous, because it goes against the direct admission into Ireland of any one plantation article from the place of its growth, lest it should be smuggled into England. It goes against sugar; it goes against rum; it goes against every article more strongly than tea, because tea is, perhaps, the only one more taxed in Ireland than Great Britain; in short, the principle goes directly against the trade of Ireland, — you are to sacrifice Irish commerce to the fears of British smuggling. What could have induced gentlemen to resort to such an argument, I cannot conceive, except from a confused recollection of certain companies — a Danish and a Swedish, that they say exist by smuggling tea into Great Britain; and they infer, that Ireland could profit by an Asiatic trade in no other manner. But these gentlemen have not considered the subject, and therefore it is, that instances and examples only tend to confound and perplex them. They have not recollected, that these companies have not the market of these islands, and that these islands are the only steady consumers of tea. Open the consumption of this island to your own merchant, and then the desiderata of the Danish Company is the data of Ireland. These instances, therefore, lead to those conclusions, very opposite to their argument, that without a traffic in tea, you cannot have an Asiatic trade; and that, unless you give yourself the market of Ireland, you cannot have a traffic in tea. Hence, you collect the importance of the article, and the mischief of the prohibitory clause. I now go to another objection, which assumes your want of capital,

and that argument is well refuted by the gentlemen who advance it, and state, with pride, the capital of the English Company to be 20,000,000*l.*, and their vessels to be 95,000 tonnage; inferring from thence the improbability of your success with your small capital, and your few shipping. But when gentlemen shall consider the progress of that British company; when they recollect that, with a capital considerably short of 100,000*l.*, with three or four ships, it has grown to a capital of 20,000,000*l.*, and 95,000 tonnage (supposing the latter all its own, which is not the case); when I say they recollect this, surely they must themselves perceive, that they are uttering incentives to the people of this country to embark in commerce with Asia. They have, in their observations on your want of capital, furnished another answer to their objection, by pointing out that specific capital which would be requisite for the trade; and that specific capital appears to be such as you could, in a few months, procure. They state, that England takes from China 900,000*l.* sterling of tea, and that Ireland consumes one-sixth, that is, 150,000*l.*; which sum is the capital, by their own statement, we require for the trade, and which we will produce in a few months; and we will rest the question on this proposal: "We will, in a few months, produce a capital equal to that which you yourselves have stated to be necessary." The gentlemen have expressed their apprehension, lest Irish capital should be diverted from more useful employment into an Asiatic trade; but I must inform them, that the English capital will be employed in that trade; and that, instead of a diversion of Irish, there will be an introduction of British capital, of which, surely, they must be well aware, and therefore should have saved me the trouble of reminding them. There, again, we offer to rest the case. Discontinue your tea clause, and, in a few months, we are authorized by correspondents to assure this House, you shall have capital from England. Thus these gentlemen are resisting, not the diversion, but the introduction, of capital. I pass over that argument, that says you have no ports to go to in the way to China, as being notoriously unfounded, and immediately refuted by the map, and by the experience of every traveller.

I now come to the third head of objection, which tells you, that an Asiatic trade, if attempted by Ireland, would be fatal to Great Britain. This third objection is a recantation of the second. It says, "There is no truth in your assertion, that Ireland cannot carry on a trade to the East. We have asserted, you want capital; we allow it is not true. And we asserted, that you cannot trade without territory; we allow

that is not true. We have asserted, you cannot trade but by exclusive company; we allow that is not true. We do so entirely give up these arguments, that we now acknowledge you cannot only carry on a trade to the East, but so triumphantly conduct it, as to shake that East India Company with her 20,000,000*l.* of capital, and her 95,000 tonnage; and now we hope you will pay some attention to our third objection, and refrain from the exercise of a trade beneficial, indeed, to Ireland, but prejudicial to Great Britain." And here gentlemen assume, that such a step in Ireland would be a violation of what they call the *uti possidetes.* This argument assumes what is not founded in fact, that this country is controlled by some contract or covenant hitherto unknown, but now introduced under the name of *uti possidetis.* It assumes, that at the time of the demand of a free trade, we, by implication, assented to the monopoly in question; but so far from such assent, the demand of the free trade expressed the direct contrary; for it expressed our claim to go to, and come from, and trade with, as we thought proper, all the independent parts of the globe, of which China is one; and so far from our demand of a free trade assenting to the monopoly of Great Britain, the great difficulty with Great Britain, in assenting to that demand, was, that, from its nature and operation, it must shake their monopolies. There is another answer to the argument of the *uti possidetis,* if an argument so expressly excluded by your demand of a free trade requires any other answer, it is, that the state of things have changed; that the charter of the company is not to day what it was in 1779 or 1782; that it is not now on the point of being renewed; and, therefore, supposing it to have had an existence in contract, has no longer an application.

The honourable gentleman tells us, that the proceeding proposed is the commencement of hostility. Sir, the hostility must commence from England, because you take no step, you make no advance, you only do not revive a clause that expires in one of your acts of Parliament. The act of hostility must then commence with England. Let us consider in what manner hostility may by her be exercised. There are two ways; by breach of faith, and by arms. As to the former, she can exert herself in refusing to admit Ireland to a trade with the British West Indies. Sir, this would be a direct breach of faith with Ireland, and a violation of your treaties of 1779. It is, therefore, not to be imputed; you are not to consider breach of contract as a political resource. If England chooses such resources, you have resources; but there is no pretence for such imputation against the great and exalted nation,

— with whose name certain gentlemen here assumed a most presumptuous licence. I do not say, that the East India question, is that one which would unite; but sure I am, it would at least divide England in your favour. The unchartered subjects of England, that is, the majority must befriend your exertions, with regard to any danger in which you may involve England, by affecting her company. You will recollect, it is not a decided point that the exclusive company is beneficial to Great Britain; and a right honourable baronet, who relies on its importance to the empire, has, unfortunately for his own authority, quoted a much superior authority, who maintains that the exclusive company is mischievous. You cannot therefore affirm, that you have the passions, or the interest of Great Britain, to contend against; but, though you had both, you have no authority to suppose, that either would exercise themselves, by breach of national faith solemnly plighted. When Great Britain acceded to the claim of free trade in 1779, which did comprehend this very question, your trade to the East as well as the West, to China as well as North America. It is not by excluding us from her plantations, that England will commence hostility. What then remains for her, according to these gentlemen, but arms? I do not dwell on that idle threat, which suggests that England will withdraw her bounties on Irish linens, or her high duties on German linens, because they are as necessary for her linen manufacturer as to yours, as my honourable friend who sits near me, has fully and clearly proved. Besides, she cannot take such a step, without affecting her absentee remittances, and all her manufactures in your market, the number and importance of which are very considerable, and only counterbalanced in any degree by linens. Thus the manufacturers, as well as the unchartered subjects of England, and others, would oppose such a proceeding. Nothing remains, then, for the objector to state but arms; England will land (these gentlemen, will I suppose insinuate,) troops into your country. The idea is as improbable as it is criminal; but it is a sad indication of the black opinion, which these gentlemen entertain of the government they serve, and how ready they themselves are to obey an administration, capable, in their opinion, of entertaining the worst designs. In this suggestion, these gentlemen are highly criminal; first, because they teach the people of Ireland, to entertain a jealousy of Great Britain, as hanging on all their exertions, and ready to bristle up in arms against their constitution and commercial exertions; and, secondly, they suggest to the ministry of England (as far as in them lies,) hostile dispositions. Their weak arguments are

evil suggestions; they are not speaking idly; but prompting, wickedly; and if any hostile steps shall be taken (of which I have not the least conception,) but if any step shall be taken, let these gentlemen look to it; they are the first suggestors; they must expect to be the first victims. Sir, gentlemen have proceeded to another threat, distinct from violence, and connected with fraud; they hold out the necessity of proceeding by way of proposition. Sir, to make propositions to England, to permit you to import tea from China, is to trade under the British, not the Irish Parliament, and to wave the principle as well as the exercise of your free trade; such a proceeding leads to negotiation; negotiation in their hands, that is, to treachery and to surrender; and the force of such an argument is, that if you attempt to exercise your right to trade to the East, the Irish ministry will involve you in a negotiation, in which they will, as they once did before, betray their country. This is the nature of their argument. The public will give that argument what force and credit it deserves, and I shall sit down with this observation, that, on the present occasion, I have much greater confidence in the amicable intentions of the British nation, than in the honest intentions of the Irish cabinet.

The question being at length put, the House divided; when there appeared, — Noes 143, Ayes 86; Majority against the motion 57. Tellers for the Ayes, Mr. G. Ponsonby and Mr. R. Stewart; Noes, Captain Burgh and Mr. Archdall.

BARREN LAND BILL.

March 18. 1791.

MR. GRATTAN had brought in a bill, on a former day, to encourage the reclaiming of barren lands. He now moved, "That the House do now resolve itself into a committee of the whole House on the said bill."

Dr. Duigenan opposed the bill. He denied that tithes impeded the improvement of barren land; and to exempt such lands from payment of tithes, would prejudice the parochial clergy. The bill was opposed by Mr. Mason, Mr. C. Beresford, Sir Boyle Roche, Dr. Browne, Sir John Blaquiere, and Major Hobart.

It was supported by Mr. Graydon, Sir Edward Newenham, Major Doyle, Mr. Curran, and Mr. Ponsonby. They denied that it injured the clergy; on the contrary, after barren land had been reclaimed for seven years, they would get an addition to their in-

come, and give them what they do not now enjoy, and what, without the bill, they never could enjoy. Mr. Curran said, that the fate of the bill was decided, not by opinion, but by influence, as was plain from the authoritative manner in which an honourable member of administration had spoken. He was called to order by Mr. Corry.

Mr. GRATTAN said: he thought it but fair in his honourable friend to consider administration as speaking in the person of the right honourable gentleman who declared his intention to oppose the bill. He was the director of that administration, and to him members frequently applied themselves to know whether government would oppose or support this or that measure; nothing, therefore, was more fair than to say that the declaration of his opinion was an *authoritative* declaration. He hardly thought the argument the right honourable gentleman had used, that the measure must be injurious to the church, because it alarmed the clergy, deserved an answer; but he could not but lament a mode which was but too prevalent in Ireland, of watching with the most minute and teazing interference every measure, even of domestic regulation; the object of that interference, in the present instance, was plainly to make an interest with a numerous and powerful body, by opposing a salutary measure. The bill he saw now would be lost, and he saw the cause of it; and yet this same bill had formerly passed in that House, and the present Lord Chancellor, at that time Attorney-general, had spoken of it as one of the most beneficial bills that had ever been introduced into that House. He had received from him some amendments, which he had now in his pocket, and which he would now propose, that the House, at the instance of the right honourable gentleman, might now oppose what they had once so triumphantly supported. The bill passed once, but the following session it was lost. Why? Government had sold the bill to form a party with the church; a connection at that time necessary to them.

Mr. Grattan then entered into a refutation of the arguments which had been used against the bill. None, he said, could object to the principle of improving barren land by an exemption from tithe for a certain time; but the objection was that this barren land was not designated with sufficient accuracy. He would join issue on this objection, and he defied the oppugners of the bill to find any words in the English language which could more exactly define barren land; if, however, such words were to be found, the sagacity of the honourable gentleman who made the objection, would find them in the committee. But the gentlemen give up this,

and then object to the bill as partial; and, finally, the right honourable gentleman comes and tells you the clergy are the best judges of their own interests. I see the bill is now lost; I see the minister has made up his mind to oppose it, and therefore no beneficial regulation can be hoped for this session; for this reason I give up the bill; but I give it up only for the present, and if at any future day it shall come to be law in this kingdom, the clergy of Ireland will find that I have been endeavouring to lay a foundation for their future wealth and prosperity, much more solid than what their warmest advocates are now contending for.

The House divided; — for the committal 36, against it 73; Majority against the bill 37. Tellers for the Ayes, Major Doyle and Mr. Graydon; Noes, Dr. Browne and Dr. Duigenan.

PENSION BILL.

March 19. 1791.

MR. FORBES presented the bill for limiting the amount of pensions. It was read a first time; and, on the question for the second reading, Sir Hercules Langrishe moved, "That it be read a second time the 1st of August." This was opposed by Mr. Forbes, who reproached the honourable baronet with having supported the bill in 1789, though now he thought proper to oppose it. The bill limited the amount of pensions to 80,000*l.*; at present it amounted to 105,000*l.*: and though 5400*l.* had fallen off by deaths in the last year, the government deprived the country of the benefits of this mortality.

The Chancellor of the Exchequer, Mr. Mason, and Mr. O'Connor, opposed the bill. It was supported by Mr. French and Mr. Grattan, who said:

He was sorry to see a bill of so much importance likely to receive so very slight a debate. He would, however, before he spoke to it, take some notice of what had fallen from an honourable gentleman; and though he did not presume to consider himself as the head of opposition, he was extremely sorry that the honourable gentleman should speak in such terms, when his particular friend, a gentleman of the most exalted good qualities, a man possessing every virtue, and every amiable amiable endowment which could render him a most invaluable member of society, was certainly one of the heads of opposition. But he would not suppose the honourable member intended to include that respectable character in the number of those he looked upon with a suspicious eye; he

was sure he did not. However, he would ask him, did he think that gentleman would enter into a close alliance with men who deserved to be looked upon with a suspicious eye?

What were the measures brought forward by opposition? A place-bill, a responsibility-bill, a pension-bill, a bill for disqualifying revenue-officers, a regulation of the police; are these the measures which deserve to be looked upon with a suspicious eye? But do not judge of us by our professions, or our acts — judge of us, if you please, by our enemies, by the men that we oppose. Are they not a set of men practised in deceiving the country? Are they not the men who threaten to expend half a million for battering down the aristocracy? Are they not the men who multiply places, and load the nation with pensions? Are they not the men who have sold the peerage, and thrown down the honour of nobility in the dust? And can such men bear a comparison with those who oppose them?

The honourable gentleman has said, it is the duty of country gentlemen to support the fair and honest measures of government. Which of these measures have we opposed? Did we oppose the King's business? Did we oppose the supplies? Did we, in any way whatever, embarrass the business of the nation? But what has been the conduct of the government which the honourable gentleman supports? They have opposed every measure brought forward by gentlemen on this side for the good of the country, — measures which no man can deny to be both fair and honest.

My honourable friend has asked a right honourable baronet, who it was that advised the putting 2400*l.* on the pension list in the last year? The right honourable baronet has said, "he does not know; he was not consulted." Can there be a stronger argument than this for a pension bill, and for a responsibility bill? If we were protected by these bills, ministers would not venture to waste the public treasure; if they should, we would know where to point due punishment; but now the first minister of finance tells you gravely, that, indeed, he was not consulted; nor did he think he had a right to be consulted when 2400*l.* was added to the burden of the nation.

The visible pension list is 105,000*l.* In ten years, if this bill were passed, it would, by the common chances of mortality, be reduced to 80,000*l.* Beyond this sum the Crown could not go, and thus you would save 25,000*l.* a-year to the nation, and prevent the minister from these occasional resorts to the public treasure; you could prevent him from bestowing the public treasure in a good-humoured, but dishonest sort of

way, upon men who have deserved nothing from Ireland, and who, had they remained in their own country, must have remained obscure, if they had remained honest; you would prevent him from robbing the country with the hand of rapine, and ruling it with the iron hand of oppression; you would prevent him from plundering the country, and ruling it by its own money.

Mr. Grattan concluded with observing, that England was in possession of a law similar to that proposed, and that in Ireland it was infinitely more necessary.

The House divided on the motion, that the bill be read a second time on the 1st of August; — Ayes 81, Noes 55; Majority 26.

RESPONSIBILITY BILL.

MR. FORBES INTRODUCES A BILL TO SECURE A RESPONSIBILITY IN THE SERVANTS OF THE CROWN.

March 26. 1791.

MR. FORBES moved the order of the day, "That the bill for effectually securing a responsibility in the servants of the Crown, in the different departments of the executive government in Ireland, to the Parliament thereof, be read a second time." It was opposed by the Chancellor of the Exchequer, Mr. Cooke (secretary), Mr. Denis Browne, Mr. Stephen Moore, Mr. Stanley, the Prime-sergeant, the Solicitor-general, and Sir Henry Cavendish. They stated, that the bill was an innovation, and dangerous to the safety of the realm; that the appointment of five commissioners to control the issue of public money altered the exercise of the executive authority, and affected the rights of the sovereign; no man could doubt that the Lord-lieutenant and Secretary were responsible officers; that if the Lord-lieutenant were even to withdraw himself into England, and that the Commons of Ireland proceeded to impeach him, the executive magistrate would compel him to return, and stand his trial in Ireland; neither could it be doubted, that no pardon under the great seal could be pleaded to an impeachment by the House of Commons of Ireland.

The motion was supported by Mr. Forbes, Mr. George Ponsonby, and Mr. Grattan. Mr. Forbes and Mr. Ponsonby maintained that the Lord-lieutenant was an irresponsible officer, inasmuch as when he left Ireland, he would be out of the reach of the House of Commons. They instanced the case of Lord Strafford, the deputy under Charles I., when a committee was appointed by the Irish Parliament to go to England, and prefer articles of impeachment against him at the bar of the House of Lords in Eng-

land. Such a situation would be a degrading circumstance at the present day. The Lord High Treasurer, he too was an absentee, and inefficient as well as irresponsible. They referred to the language held by the ministers in the last Parliament: "That it had cost this country half a million in order to beat down an aristocracy." Such was the idea of their responsibility. When such was the language of the minister, what might not be his practice. To guard against the evil consequence, was one of the objects of the bill.

Mr. GRATTAN said: Sir, the honourable gentlemen when they inveigh against the bill, inveigh against the constitution of England, for the bill does no more than establish in Ireland the ancient and regular practice of Great Britain. Every clause and every regulation of that bill is copied from English acts and English practice, applied to this country; but it is the misfortune of those gentlemen who have taken a part against us in this debate, that they should not have neither read the bill, nor considered the constitution of England. I will tell them what they seem not to be apprised of, that no money can issue out of the English treasury by the order of his Majesty; there must be the counter signatures of certain officers, and a variety of other checks, without which, by the law of England, the issue cannot be made. There is a privy seal, which seal must be annexed by the keeper thereof; there must be a warrant which must be signed by the lords of the treasury, and sent to the auditor. The King cannot command any disbursement without the signature of those officers; that is, he cannot, with his own hand, or by his own order, dispose of the money of his treasury; his orders and signature are necessary, but so is the signature of his officers; his officers cannot act without him, and he cannot act without them; he may dismiss them for their refusal, but he must supply their place with others, for he cannot act by himself. This is the practice and principle of the constitution of Great Britain, and every argument urged by those gentlemen against the bill, goes with equal force against the constitution of England. If requiring the signature of certain stationary officers in the disbursement of Irish money subverts the regal government in Ireland, the regal government is already subverted in Great Britain, because no money can be disbursed without the signature of various officers of stole and treasury. If such a signature required in Ireland subverts the power of the Lord-lieutenant, such a signature long existing in England must have long subverted the power of His Majesty, and the monarchy of England must have been long ago in ruins; and all I can collect from invectives of gentlemen against the bill is, that they do not know the constitution of England when they

read it. Here is a bill enacting certain practices and regulations which obtained in England, and applying them to Ireland; and those gentlemen, from whom we hear so often encomiums on the British constitution, know so little of it, that when they read of its regulations in an instrument purporting to be an Irish bill, they call those regulations the subversion of regal government! If they are sincere in the arguments they advance, they are enemies, not to the liberty of Ireland, but to the constitution, as by law established in Great Britain; they must think the regulations which England has established, as indispensable in the exercise of the regal government, are bad measures. They seem to be so little apprised of that constitution, that they have plainly told us, that if the King, or the Lord-lieutenant, act by their officers, though dismissible at their pleasure, they cannot act at all. They seem not to recollect that all these warrants, or letters for money, (the subject of this bill,) though they must be signed by certain officers to have effect, yet cannot be signed by those officers, nor have any effect whatsoever unless previously signed by His Majesty and the Lord-lieutenant. They seem not to recollect that, under the practice of English government, and under this bill, which only adopts that practice, no act of executive can be done without the will of the King, and here that of the King and his viceroy; but that will must be signified by officers of state whom the King or Lord-lieutenant may remove; or, in other words, the royal character cannot act without executive officers, nor the executive officers act without orders from the royal character, on whose pleasure their duration depends. Thus does the monarch preserve his will in the state, and thus does the Parliament provide that there shall be persons answerable to them for the legal and wholesome exercise of that will. No act of executive can commence without the approbation of His Majesty, nor be finally executed without the assistance of servants removable at his pleasure, and forthcoming to Parliament. Thus is the inviolability of the sovereign rendered, by the responsibility of his servants, consistent with the rights and safety of his people. I am not now answering the argument of gentlemen of the other side; I am giving them lessons; and I hope, whenever they again arraign our measures, they will have learned somewhat more of the constitution of these countries.

An honourable gentleman on the third bench * offers himself to your consideration, and he tells you, that His Majesty has an independent power in the management of the revenue of Great Britain. Sir, this is a most mistaken and dangerous position, unfounded in constitution, law, or practice. Before

* Mr. Stephen Moore.

the honourable gentleman gives opinions in this House, he should inform himself better. Let me tell that honourable member, that the King of England cannot in his country disburse one farthing out of the treasury by his own hand or signature, and that there must be the signature of officers of state countersigning the warrant or letter of the King; and the reason for this is a principle which the member seems as little acquainted with as with the fact, — a principle that for the acts of the King, especially in the management of money, there must be always certain officers forthcoming to the grand inquest of the nation. Sir, the honourable member has not been satisfied with advancing such an assertion, but has attributed his own mistaken and criminal conceptions to the name of Somers, whose pages he seems to understand as little as he does the constitution. Sir, that the gentleman should not be acquainted with this practical part of the British executive is the more surprising to me, because it is the practical part, and, therefore, lies within the knowledge of a clerk. Sir, had the honourable member known any thing of the proceedings of the British House of Commons, he could not have remained in such entire ignorance about the proceedings of his treasury; for he would have then known that the Commons, so far from holding that His Majesty has an independent power in his treasury, have resolved that the expenditure of the civil list is subject to the control of Parliament.

The honourable gentleman having shown how much he knows of the constitution of his own country, proceeds to preach to us about ours; and he tells us, that it is essential that there should be in these two countries but one executive power; thus he leaves you two of the estates of your constitution, and takes away the third; that part of your constitution, which is the monarchical part, he totally and entirely extinguishes. Before he ventured to advance in the Parliament of this country such dangerous ignorance, he should have learned, that as the crowns of these kingdoms are essentially annexed, so the executive powers emanating therefrom are essentially distinct; distinct civil, ecclesiastical, judicial, fiscal establishments, with distinct stamps of authority, and for these, among other reasons, because in contemplation of law, there should be distinct officers forthcoming to the respective Parliaments of the country, and the Irish crown is annexed to, but not merged in, the crown of Great Britain. The honourable gentleman having displayed his ignorance of the monarchical part of the constitution, shows an ignorance as desperate, when he delivers his doctrine with regard to the democratical part or the powers of this House;

he tells you, that the coercive power of the Irish House of Commons over the ministers of the Crown, lies in their power of refusing the supply. He does not know that you have a right to proceed in a criminal manner; he does not know that you can impeach; he robs you of your inquisitorial power as the grand inquest of the nation, and leaves you nothing but a negative on supply.

After having uttered such extraordinary, unprincipled, and ignorant doctrine, with regard to the whole and the different parts of your constitution, the honourable gentleman proceeds to favour us with a little of our own history; and he observes on parties in this country, and their principles, and the ways adopted by British government to extinguish them; and he tells you, that one of those ways was that most excellent measure, — a limitation of the duration of Parliament. Sir, the honourable gentleman might have stated other and very different ways whereby ministers endeavoured to defeat party and principle in this country. Does the honourable member know, that a minister once went so far in this country as to drill the House of Commons, and placed for the purpose of watching the members of this House, a man publicly and scandalously officiating in that box during the sitting of this House? Has the member forgotten that transaction? I will tell that member, that if the most ambitious aristocracy he ever ventured to depict, was to become the ministry, they would possess at least one advantage — they would be a government of gentlemen, — the gentlemen of the country, — not a government of panders and runners, first mixing with the gentry of the country, and then rising from public mischief into public situations.

The bill is opposed principally on two grounds, one made by the right honourable baronet on the floor, the other made by the right honourable baronet near him. The first ground is a proposition, that there is a responsibility already; the other, that the responsibility proposed by the bill, would subvert the regal constitution of the country; or, in other words, that there should not be any responsibility whatsoever. The right honourable gentleman who makes the first proposition, explains his meaning, and tells you you have a responsibility, because you have a House of Commons — he means an inquest capable to examine and to impeach; it remains for him to show how that inquest is to proceed, and where are the men forthcoming to its jurisdiction. We will begin with the treasury.

The right honourable gentleman must allow, that all responsibility is taken from that most essential department. The high treasurership is a sinecure; the vice treasurerships

are sinecures; the deputy's, a situation merely instrumental, and in no degree whatsoever ministerial. Government has demolished the fiscal part of the Irish executive, and has reduced the great offices to sinecures, and the great operations of money to clerks. You have great offices without employment, and subordinate employment with immense salaries; thus you have the incumbrance — you lose the responsibility. Just enough of the Irish treasury remains, to show what your constitution ought to be, and what depredations have been committed upon it. Here your government has been made, by innovation, completely provincial, and presents neither the substance nor the shadow of a kingdom; and your executive, in this particular, is as completely extinguished by innovation. We will now consider the manner of disbursing money from this treasury. The first step is, a King's letter, signed by His Majesty, and countersigned by the lords of the treasury of England. Those officers have not in this realm any right, authority, residence, or responsibility; their signature, far from supplying responsibility to your Parliament, does not admit of being noticed by your constitution; those officers are physically irresponsible, constitutionally unostensible. This letter, therefore, offers you no responsibility whatsoever. This letter is directed to the Lord-lieutenant, who thereupon makes out his warrant, reciting the purport of the letter, and signed by the Lord-lieutenant at the top, and his secretary at the bottom. Here the Irish executive begins to act, and here is your sole responsibility. See what responsibility it affords you. The secretary of the Lord-lieutenant, supposing him not to be fugacious, you cannot accept of as any adequate or respectable responsibility; you cannot derogate from the dignity of your justice, and seriously hold out to your country that description of officer as security; the constitution does not notice him; he is not in its contemplation; he may excite the indignation of Ireland; he can never satisfy her justice. As to His Excellency, the servants of the Crown allow the Lord-lieutenant is impeachable by the Parliament; they not only allow it, but they make it the strength of their case. I will suppose the Commons of Ireland resolve articles of impeachment against a chief governor, and that they send their messengers to the Lords to acquaint them therewith, and to desire that he may be committed to their power. Where is he? He is fled; fled with his secretary. Your impeachment would commence when his commission ceased, and his person was out of the jurisdiction of the realm. You cannot follow his person, nor find his property. These great men who are held out as your sole security for acts of state,

have seldom a freehold in your country; they could not be private, still less are they public security. I will suppose, on the application of this Parliament to His Majesty to interpose with the Parliament of Great Britain, the latter would transmit the person so impeached; but the efficacy of your jurisdiction, in that case, depends on the success of your application; that is, the responsibility held out to this country, depends on the permission of the Parliament of another, which is, in fact, no responsibility whatsoever; and if ever the punishment of an unworthy viceroy should become the unworthy cause of discontent and jealousy between the two nations, remember, it is the servants of the Crown who are the cause, by leaving you no option, and affording you no person whomsoever to proceed against, save only the person of the viceroy.

It follows from this, that His Excellency affords no adequate responsibility. You cannot derogate from your dignity to impeach him before the Lords of England, nor attach his person, when you impeach him before the Lords of Ireland. It follows, that the responsibility held out by the right honourable baronet is a delusion; and the Irish government, in its perverted state, is composed of responsible officers who are not resident, and resident clerks who are not responsible. Thus, all the money that you grant for the ordinary service of government; all the money that your ancestors granted in perpetual revenue; the whole of the ordinary revenue, that is, 1,000,000*l.* per annum net, may be drawn out of the treasury, without the signature or control of any one resident officer; and the grand inquest of the nation, sitting here, with all its powers, cannot by any process punish or reach the delinquent, or redress the country. That argument, therefore, of the right honourable baronet, which supposes that in establishing an Irish inquest, you have established an Irish responsibility, is, I apprehend, detected and refuted.

Let us contemplate the nature of these two officers, the Lord-lieutenant and his secretary, whom right honourable gentlemen have offered as the only security of Ireland, for the faithful application of her money. These officers certainly are responsible; they are responsible to the British minister for watching the pretensions of Ireland. In 1753, a dispute arose about a surplus in the treasury, and, it was determined by the Commons of Ireland, that the surplus awaited the disposal of Parliament, without the previous consent of the King; immediately after, that surplus, without the consent of Parliament, and by the sole consent and order of the King, was issued from the treasury, pursuant to a King's letter by virtue of a warrant signed by the Lord-lieutenant and his secretary. Whose

officers were these men then? and to whom responsible? Suppose it became an object to preserve in the government of this country, an unconstitutional viceroy, against the censures of Parliament, and the sense of the station; and suppose, to accomplish that criminal end, the peerage to be sold in order to buy the members of this House; whose officers would you find the Lord-lieutenant and his secretary then? Whose officer was the right honourable gentleman in 1789; when this country was robbed about 1758, by additions to her pension list, amounting to 30,000*l.* per annum; when this country was sold in 1769, as one of the present ministry declared in the House of Commons, and specified the sum to be half a million; when in the years lapsing from 1778 to 1787, this country was robbed by additions to her pension list, amounting to 29,000*l.*; when the country was again sold in 1789, to buy the Parliament, as was threatened by one of the ministers in this House, and after, executed by Lord Buckingham and his faction, whose officers were the viceroy and secretary then? Whose officer was the right honourable member on the floor?

When the faith of government was broken in its promise to equalize its expence to its revenue; when the faith of government had broken its promise to unite the boards of accounts and stamps; when the faith of government was broken in its promise to confine the number of commissioners to seven; whose officers were those men? A proof all this, that in the application of your money you have been governed, or rather plundered, for it cannot be called government; plundered like a province, and that there has not existed in the persons of the Lord-lieutenant and his secretary, or in any other, to the Parliament of Ireland any responsibility whatsoever. Otherwise you would not have had such a succession of crimes, or in such a succession of crimes you would have given some example of punishment; what monument is there of the justice of this country in such train of offences? Where is the record of Lord Buckingham's conviction? But the fact is, that these men, the viceroys and their secretaries, never considered themselves as responsible to you, and you never acted as if you had any jurisdiction over them; they acted as English officers with Irish names, and the Irish servants of the Crown acted as their officers, not yours. The former acted as responsible to England for carrying through Parliament the measures of British government; and the latter voted as responsible to the former for supporting the same.

I think I have answered the first objection, which assumes that there is an operative responsibility in Ireland. I come to the second, which assumes that there should not be in Ireland any responsibility whatever, or, in other

words, that the bill before you, which does no more than secure that responsibility, subverts the royal power. Sir, responsibility is the vital principle of the British constitution; the King of these countries speaks only by seals. Why? That for all his acts, there may be officers forthcoming to Parliament; every patent must be under the sign manual, which is a warrant to the privy seal, which is a warrant to the great seal. Why? Lord Coke will tell you the reason, lest any thing should pass that instrument which might be illegal; he goes further; he says, inconvenient. The King cannot execute his own warrant; the King cannot deliver his own judgment. Why? Because for every act of the King there must be responsible officers. The precaution of England extends this principle to Ireland, and has, in the disbursement of money from the Irish treasury, five officers forthcoming to her inquest, three lords of the British treasury, and the Irish Lord-lieutenant and his secretary, and you have not one; you have not a concurrent responsibility in the exercise of your own executive, and in the disbursement of your own money. She, Great Britain, extends this precaution even to your legislature; and no Irish act of Parliament can pass, which is not certified under the great seal of England, that the keeper of that instrument may be responsible to England for the legislative proceedings of the Irish Parliament; thus, that principle which England exacts in the legislative operations of your country, you do not require in her executive, so that you proceed not only not according to, but directly against, the practice and principle of England. She extends this principle of responsibility to abuses of legal power as well as to violations. I am surprised to hear an honourable gentleman acknowledge his ignorance of the constitution of England, by observing that the servants of the Crown are justified by the order of the King, and are only answerable for violations of law. But in a limited monarchy, and especially in that limited monarchy which places the first magistrate of the people at the head of the church, the army, and the treasury, with the powers of peace and war, and with a sacred attribute vested in his person, nothing can prevent that magistrate from becoming a most tyrannical power, but an obligation on him to act through the medium of servants, who are to be answerable for the abuses of his power, as well as the violation of the law. The nature of a trust requires that the trustee shall, through his minister, be answerable for abuse as well as violation. I might quote authorities; many on this part of the question: — Mr. Hume, no enthusiast for liberty, who observes that in a limited monarchy, it is essential that the ministers of the King shall be responsible for his

acts, and he adds, that the orders of the King must not be a justification; Lord Coke, who tells you in his chapter on Parliament, that the House of Commons is the grand inquisitor of the nation; he does not mean for the purpose of enquiring into illegalities; no; grievances are his words, grievances which arise not more frequently from breaches of law, than from abuses of regal power.

I might quote precedents from the earliest to the latest period of English story, from the case of De la Pole, in Richard II. proceeded against, among other particulars, for misapplication of subsidy; to the case of the Duke of Suffolk, proceeded against, among other articles, for misapplication of subsidy, and advising the King to unnecessary wars; to the case of De Vere, proceeded against, among other articles, for intercepting subsidy intended for the defence of the kingdom; to the case of the Duke of Buckingham, Lord Danby, Oxford, Bolingbroke, and a multitude of others; in every one of whose criminal prosecutions you will find articles for the abuse of regal power, and from the whole of whose cases you will deduce that evil council, improvident war, ignominious peace, neglect of the seal, and misapplication of public money, are sufficient ground for parliamentary impeachment.

This principle arising out of these cases, and the responsibility arising out of this principle, are not less as has been insinuated, but more applicable to you than to Great Britain; and, first, because your servants require to be admonished on this subject, for they have this night betrayed a most extraordinary ignorance of the nature of the monarchy they live under, and therefore require a law as a lesson. Again, because the prominent spring of your government, that is, the British minister, is an absentee, and does not look in the face the crimes committed by his agents in the kingdom of Ireland; residence is a kind of physical responsibility, but he has the advantage of not beholding the acts of his servants in Ireland. The perversion of your law, the late attack on one of your charters, the sale of your peerages, and the acknowledged public and professed sale of your country in 1789, to buy the Irish Parliament, he sees these things with other men's eyes, and in doing these things borrows the baseness of other men's hands. The agents or instruments in Ireland by which those things are done, though they are not like him, absentees, yet they are not stationary; and they look not only to the protection but the opinion of another country. The seat of their action is in Ireland, but the seat of their character as well as of their punishment is in Great Britain; and Ireland is of course deprived, in the present administration of her affairs, of

the two great sanctions held necessary to restrain the malignity of human crimes, the law of punishment and the law of reputation; and the public weal of this country is left for its preservation to the remote apprehension which her ministers may entertain of Divine vengeance, and to their pious speculations on a future state of reward and punishment. Again, you require this responsibility the more for the reason which an honourable gentleman has advanced against it, because your revenues are not appropriated, and of course are the more capable of corrupt misapplication; and because you have no place bill or pension bill in this country, and thus offer to an unappropriated revenue, indefinite objects of venality and influence; but there is another reason stronger than all these, a reason founded in recent experience. It has been the custom of your ministers to rob the country in order to buy the gentlemen of this House; one of your ministers confessed it in this House, and stated it to have happened in 1769, and foretold that it must happen in 1789; and it happened accordingly.

Gentlemen have said that this bill would subvert government; it is a great charge; they will prove it. That it would alter the practice of Irish government in the disbursement of public money, is true; but that this alteration would be a subversion of government, is false. Every act of Parliament affecting the government may be said to change it; every improvement is a change. The acts of 1780 and 1782, which some of those gentlemen opposed; the mutiny bill, the modification of Poyning's law, changed the practice of your constitution, and so far might be said, and were by them represented and resisted as changing the constitution; but in these cases the force of objection does not exist in making a change, but in making such a change as is unconstitutional. And if the practice of your government in Ireland has been, as you know it has been, loose and unprincipled, the effect of an age of domination on the one hand, and of certain mean compliances on the other; and if the bill would correct such a practice by the true and unquestionable principles of the British constitution, then the change is not what those gentlemen describe it, the subversion, but it is the direct contrary, the restoration of your government subverted by those loose practices which have become diseases so inveterate in Ireland that the ministers of the Crown now pronounce them to be the essence of your own government. What are these practices which those gentlemen would defend? The disbursement of public money by the treasurers of England whom they allow to have no legal authority, and by the Lord-lieutenant and his secretary, whom

they allow to offer no adequate responsibility. And what is the change that these gentlemen resist? A bill whose principle they acknowledge, viz. that in the disbursement of public money the executive officer shall be forthcoming to Parliament; and what are the provisions of the bill? Nothing more than the specific execution of that principle; that every warrant ordering a disbursement, or imposing charge, should be signed by some great resident stationary Irish officer. And what is the precedent for the bill? The example of England. Thus the charge of those gentlemen comes out to be, that government is subverted when a practice which they do not assert to be legal, is reformed by a principle they do not deny to be constitutional. Their acknowledgment of the principle, and their charge against the bill, that does no more than enforce it, amount to a declaration on their part, that the government, according to the present practice in Ireland, is unconstitutional; secondly, that the government of Ireland ought to continue unconstitutional; that the persons who sign our charges or drafts for money should be officers answerable not to Ireland but to Great Britain; that is, that Ireland should not have an executive power, but should be governed even in the disbursement of her own money by the executive power of Great Britain; and that the British minister not the King of Ireland should have complete and exclusive authority over the Irish treasury.

Bring this argument to the test of the fact; England has in your disbursement of money from your treasury five officers forthcoming to her jurisdiction; and Ireland has not one. This is the fact; their argument is, that those five officers are the only safe and constitutional officers to dispose of the money of Ireland, and that if you add Irish officers you subvert the regal government; that is to say, three Lords of the English treasury, together with Lord Westmorland and Major Hobart, ought to have the entire government of the treasury of Ireland, and if you add Sir John Parnell you overturn the constitution.

Sir, gentlemen have gone farther, and have said the bill is framed to bring a faction into power; but it is not for them to pronounce on the characters of men. The practices their ministry has pursued, and the principles it has professed, have deprived them of any authority when they speak either of men or measures: we might forget our measures and beat them down by our characters; we might forget our character and our measures and yet stand higher than they do. So much for their presumption; let us examine their logic; they tell you that this bill will turn one party out of power, and introduce another. Sir, this bill does no more than make it neces-

sary to sign certain acts, and dangerous to sign them if those acts are criminal; but this can no otherwise affect the present ministry, except as their crimes are necessary to their existence. If indeed they are so linked with public rapine; if the sale of peerage and the sale of the country be essential to their continuation in power, then indeed I do allow the bill would be useless if it did not affect them: but attached as I am to this bill I cannot promise my country so happy an effect from it as that of dismissing the present ministry in Ireland from the reins of government; but that it will mitigate the malignity of their operations and deter the repetition of their offences, is an effect which it is not presumption to auspicate from the proposition before you. They tell you that the bill will turn out one party and bring in another. Sir, the bill is no mandate to the King; he may choose any set of men he pleases. If there is any thing in this argument it is an encomium on the opposition and a reflection on themselves. Sir, it amounts to a declaration, that if crimes in ministers are made penal, the present ministry of Ireland must retire, and that there is no body of men capable of serving the state on such constitutional terms, except the opposition; and therefore they propose to you to reject a good law in order to exclude a good ministry and continue a bad one. These gentlemen proceed and tell you that this bill will extinguish the Lord-lieutenant; this they assert, but they give no reason for this; they lay it down as a notorious truth and acknowledged proposition; as acknowledged a proposition and as indisputable a truth as any one of their own offences, — the sale of the peerage or the sale of the country. Let us consider the effects of this bill on the powers of His Excellency; if he wishes to disburse a sum of money, he puts his own signature; his secretary does the same, and if any of the other commissioners refuse to sign he dismisses him, if the successors refuse he dismisses them: but if he cannot find any one established person in Ireland who will sign the warrant, then indeed he must give up the measure. But what kind of disbursement, what meretricious grant must it be, to which no man in Ireland, if answerable, will venture to put his name? Such is the peculation which the bill would prevent, and such is the peculation which the objectors to the bill would facilitate. Sir, these gentlemen, many of them have long served the Crown; they know the secret springs of action and the practices of Irish government, and it is with the experience of twenty years on their heads that these gentlemen now insinuate that such peculations are necessary for the existence of an Irish viceroy, and that if he cannot rob he cannot govern.

Sir, these gentlemen have most ignorantly foretold what would be the government under this bill. I will tell these gentlemen most truly what is now the Irish government without it. What is their situation? A set of men excluded in their native land from power and control, privileged only to submit their objections without any authority to stop the crime they complain of; this exclusion from all control in the disbursement of money, makes them a cypher. That control, exclusively placed in the Lord-lieutenant's secretary, His Excellency, and certain English officers, makes them your masters, and the secretary on that bench your idol; it is no longer control, it is command; it is this command that makes him more forcible than Demosthenes, and more persuasive than Tully; or, if the name of Solomon delight him more, Solomon in all his glory, sitting among his state concubines. See at the feet of a young lad the tributes of a degraded court; see prostrate at his feet the wisdom of age and the flame of youth; the grey head of experience; the country gentleman's shattered mask, and the veteran crown lawyer's prostituted conscience and howling remorse; even the virtues which this man does not entirely destroy, he disgraces; he humbles the energies of your mind, and contracts the exertions of your talents.

He not only humbles your virtues, he degrades your vices and gives them a poorer cast: so you that lose the high mettle which sometimes mixes with human infirmity, dignifies the nature of vice, and makes ambition virtue. You do not make this man a Colossus, but he makes you pigmies; and both lose your natural proportion; he his natural inferiority, and you your natural superiority in your native land. Thus you stand on your own hills, blasted by a shrub which scalds your growth, and diminishes and dwarfs what else might become a tree of the forest and make the realm illustrious.

At half past three, on Sunday morning, the House divided on the question, that the bill be read a second time;—Ayes 64, Noes 121; Majority against second reading 57. Tellers for the Ayes, Mr. Forbes and Mr. George Ponsonby; for the Noes, Mr. Stephen Moore and Mr. Solicitor-general.

OPENING OF PARLIAMENT.—SPEECH FROM THE THRONE.

January 19. 1792.

THE House met pursuant to prorogation, when the Lord-lieutenant (Westmorland) opened the session by the following speech to both Houses:

"My Lords and Gentlemen,

"I have it in command from His Majesty to acquaint you, that, since the close of the last session, preliminaries of peace have been signed between Russia and the Porte, and those powers are now engaged in negotiation for a definitive treaty, which His Majesty trusts will complete the restoration of tranquillity amongst the different powers of Europe.

"His Majesty, convinced of the interest you take in whatever concerns his domestic happiness, commands me to acquaint you of the marriage of His Royal Highness the Duke of York and the Princess Royal of Prussia.

"Gentlemen of the House of Commons,

"I have ordered the proper officers to lay before you the national accounts, and I trust you will make such provisions as are necessary for the exigencies of the state, and the honourable support of His Majesty's government.

"My Lords and Gentlemen,

"The constant attention you have shown to the interests of Ireland makes it unnecessary to recommend to you a continuance of that wise system of policy, from which your country has received such inestimable advantages in the increase of her trade, her credit, and manufactures. It is equally unnecessary for me particularly to point out the encouragement of your agriculture, and attention to your linen manufacture. The Protestant charter-schools, and other charitable institutions, will receive your accustomed consideration.

"You may be assured of my zealous co-operation to forward every measure that may contribute to the public welfare. I shall pay unremitting attention to the due execution of the law and the maintenance of good order and government, so essential to the continuance of that freedom, prosperity, and happiness, which Ireland enjoys under His Majesty's auspicious reign, and under our excellent constitution."

Lord Thurles, in a maiden speech, moved an address of thanks to His Majesty. It was an echo of the speech. The motion was seconded by the Honourable George Knox, who declared his approbation of the government and their administration.

Mr. GRATTAN said: I have no objection to concur in every thing honourable to His Majesty, and sincerely do rejoice in

every circumstance which can add to his public and private happiness. I am sure every circumstance that can tend to increase that happiness, must give pleasure to every branch of His Majesty's subjects, and to none more sincerely than to his loyal people of Ireland, who must ever rejoice in the auspicious increase of the illustrious House of Hanover, whose accession to the throne of these dominions has been attended with so many blessings to this country, as well as every other part of the empire. So far I am ready to concur in this address. In addresses of this kind, declarations of our readiness to support the different establishments of government are usual and perhaps necessary. But I freely concur in that part of the declaration; and am not only willing to support those establishments, but even any new establishment which can add to the honour of His Majesty's reign, or the happiness of his family. But to that part of the address, which goes to declare thanks to His Majesty, for continuing in the government of this country a Lord-lieutenant, and an administration whose measures I have found it necessary to oppose; and who have uniformly opposed every measure urged for the good of this country, I cannot give my assent. It would be equally inconsistent and absurd for men to have found it necessary to oppose the measures of administration, and then to return thanks to His Majesty for continuing that administration. To comply, therefore, in this part of the address, with the unanimity the young nobleman recommends, would be to render the compliment of congratulation to His Majesty a farce.

Either the opposition would appear insincere, or the address itself must appear so. But I know better of one side, and I hope better of the other, than to imagine such a circumstance. The measures of opposition have not been lightly taken up, nor will they be lightly abandoned. They were adopted in sincerity of heart, and have been maintained by uniformity of conduct.

It is now ten years since you recovered your constitution, and three since, in the opinion of some, you have lost it. Your present ministers made two attempts on your liberties; the first failed, and the second, in a degree has succeeded. You remember the first; you remember the propositions. The people of Ireland would not consent to be governed by the British Parliament; an expedient was devised — let the Irish Parliament govern the people of Ireland, and Britain govern the Irish Parliament. She was to do so specifically in those subjects in which she had been most oppressive; monopolies of commerce East and West. We were to put down the Irish

constitution, in order to set up British monoply against Irish commerce. The ministry who conducted this trick, took care to make the Irish advance by a certain number of propositions, under an assurance that the British cabinet would, to an iota, accede, and they made the Irish Parliament give an additional revenue on the faith of that accession. They then suffered the propositions to be reversed, turned them against the country from which they were supposed to proceed, and made them fatal at once to her constitution and to her commerce. The individuals concerned in this business, some of them had pledged themselves against an iota of alteration; they broke their honour. The Irish minister was pledged to a specific system, he prevaricated; in the attempt on her liberty, he was a violator; in taking her taxes a swindler. This measure was defeated, by the influence principally of that part of the aristocracy who refused to go through the bill, and who have been dismissed. They who made the attempt have been advanced and rewarded. The path of public treachery in a principle country leads to the block, but in a nation governed like a province, to the helm.

The second attempt was the modelling of Parliament; in 1789, fifteen new salaries, with several new pensions to the members thereof, were created at once, and added to the old overgrown parliamentary influence of the Crown; in other words, the expenditure of the interest of half a million to buy the House of Commons; the sale of the peerage and the purchase of seats in the Commons; the formation of a stock-purse by the minister to monopolize boroughs, and buy up representation.

This new practice, whereby the minister of the Crown becomes the common borough-broker of the kingdom, constitutes an offence so multitudinous, and in all its parts so criminal, as to call for radical reformation and exemplary punishment, whether the persons concerned be Lord Buckingham or his secretary, or those who became the objects of his promotion, because they had been the ministers of his vices. It was a conspiracy against the fundamental laws of the land; and sought to establish, and, in a degree, has established, in the place of a limited monarchy, a corrupt despotism; and if any thing rescues the persons so concerned from the name of traitors, it is not the principles of law, but its omission, that has not described by any express provisionary statute, that patricide of which, these men in intention, and in substance, are guilty. They have adopted a practice which decides the fate of our parliamentary constitution. In vain shall we boast of its blessings, and of its three estates, the King, the Lords, and the Commons, when the King sells one estate to buy the

other, and so contaminates both. The minister has sent one set of men packing into the Peers, and another set of men packing into the Commons; and the first he calls the hereditary council, and the latter the grand council of the nation, and both, that once great and august institution — the Parliament. Such a condition, I say, puts the constitution of Ireland, not below a republic, but any other form of genuine and healthy government. It is not mixed monarchy, with parts happily tempered, and so forth, the cant of grave and superannuated addresses; but a rank, and vile, and simple, and absolute government, rendered so by means that make every part of it vicious and abominable, — the executive who devours the whole, and the other two parts which are thus extinguished. Of such a constitution, the component parts are debauched by one another; the monarch is made to prostitute the prerogative of honour by the sale of honours; the Lords by the purchase; and the Commons prostitute their nature by being the offspring not of the people, but of a traffic, and prostitute themselves again by the sale of their votes and persons.

I allow the British constitution the best, and arraign this model as the worst, because practically and essentially the opposite of that British constitution. The British minister has given an account of the English constitution which he wishes to extend to the Irish constitution; "Aristocracy," he says, "reflects lustre on the Crown and lends support and effect to democracy, while democracy gives vigour and energy to both, and the sovereignty crowns the constitution with dignity and authority. Aristocracy is the poise," he says; "give an infusion of nobility." The Irish minister can answer him; he who sold the aristocracy and bought the democracy; he who best understands in practice what is this infusion of nobility; he who has infused poison into this aristocratic and this democratic division of power, and has crowned the whole with corruption;—he well knows all this, as far as Ireland is concerned, to be theatric representation, and that the constitution of the country is exactly the reverse of those scenes and farces which are acted on the public stages, of imposture and hypocrisy.

By this trade of Parliament the King is absolute; his will is signified by both Houses of Parliament, who are now as much an instrument in his hand as a bayonet in the hands of a regiment. Like a regiment, we have our adjutant, who sends to the infirmary for the old, and to the brothel for the young, and men thus carted as it were into this House to vote for the minister are called the representatives of the people. Suppose General Washington to ring his bell, and order his

servants out of livery to take their seats in Congress. You can apply this instance.

We have read a description of the late national assembly of France. I can suppose something more degrading even than the picture; suppose an assembly, not ruled, as it was suggested, by a club of Jacobins, but by a Swiss major, who robbed the treasury of France, and bought the assembly. You can apply this instance.

Mr. Locke has the following passage: "Such revolutions happen not upon every little mismanagement in public affairs; great mistakes on the ruling part; many wrong and inconvenient laws and all the slips of human frailty will be borne without mutiny or murmur; but if a long train of abuses, prevarications, and artifices, all tending one way, make the design visible to the people ——". Mr. Locke then states what the design is.

"What I have said concerning the legislature," he continues, "is equally true concerning the supreme executive. He acts contrary to his trust when he either employs the force, treasure, or offices of the society to corrupt the representatives and gain them to his purpose, or openly corrupts the electors and prescribes to their choice such, whom he, by solicitation, promises, or otherwise has previously won to his designs, and employs them to bring in such who promised beforehand what to vote and what to enact. Thus, to regulate candidates and electors, and new-model the ways of election, what is it but to cut up government by the roots, and poison the very sources of public security? For the people having reserved to themselves the choice of their representatives as a fence to their properties, could do it for no other end but that they might be always truly chosen, and, so chosen, truly act and debate as the necessity of the commonwealth should on examination be judged to require; and this, those who give their votes before they hear, are not capable of doing. To prepare such an assembly as this, and to endeavour to set up the declared abettors of his own will as the true representatives of the people, is certainly as great a breach of trust and as perfect a declaration of a design to subvert the government as can possibly be."

I must observe on this passage, that, in the opinion of Mr. Locke, Parliament as well as Kings may abdicate; and having quoted the passage, let me quote the declaration and confession of the Irish ministry: "Half a million was expended by government, in 1769, to defeat the aristocracy; that is, to buy the representatives of the people, and gentlemen may now force government to expend a greater sum for

the same purpose." I will now state the fact as appears from your establishment, and as you all allow it to be, the interest of about that sum was expended to buy the Parliament, and it was bought accordingly. I will state another account; a stock-purse was made by the minister, partly out of the sale of peerages, to buy up seats in Parliament in order to introduce only such men as had previously agreed to vote with the minister, and both facts constitute severally or jointly what Mr. Locke calls "preparing" such an assembly as he describes, and setting up the abettors of the will of the minister as the representatives of the people. Here is the present model; the trade of Parliament instead of the constitution. See its effects! The strongest question that could be put to the nationality of the Commons, was that which related to the trade of Ireland with the East. The question was simply this; whether Ireland should exercise that trade, or individuals sell it to the minister of the crown, acting in Ireland as an agent to the East India Company, and after three debates it was determined for the Company, against the country, by her own Parliament, under the influence of her minister, who proposed, that Ireland should be satisfied with the right, and leave the profits of the trade to the Company; the country, by her exertions, had established the right; the individual, by corruption, sold the exercise.

It happened, in 1779, that the claim of what they call free trade, had gone directly to the exercise, and not to the right: it said, that nothing but a free trade could save this country from impending ruin; meaning not a title to trade, but possession; it happened also, that when government, through the instrumentality of her Parliament, stopped the trade of Ireland to the unoccupied parts of the East, Spain interrupted the trade of England to the unoccupied parts in the North-west, and stood with respect to England as government stood with respect to Ireland; with this difference, Spain was a natural and open enemy; the other carries on a war against the interest of her country with her own money, and under the trust and the name of her government.

There was a circumstance attending this treachery that made it still more mortifying; this very government had called upon Ireland for a vote of credit against Spain, and posted the Irish Parliament in the most extraordinary and degrading predicament, voting money to a war with Spain for interrupting the trade of England to the North-west, and assisting England in interrupting the trade of Ireland to the East; assisting government to do against Ireland that very

act which she was to fight Spain for attempting to commit against Great Britain.

The question cannot end here; it is the cause of free trade and free constitution revived; that cause for which this country committed life and fortune; not for a barren right, but for profitable possession; not to give a portion of it to the East India Company, still less to suffer their own servants to sell a portion of it to the Company's agent resident here under the name of your minister; least of all to suffer that very agent to draw back a portion of your trade by pilfering the treasury to buy the Parliament, and to betray the late illustrious acquisitions of their country. On this principle might gentlemen give up the American European colonial trade; it would be only a question about the quantum of money expended on the members, and the quantum of danger incurred by their notorious acts of bribery and dereliction.

The rejection of a responsibility bill, and, still more, the principles on which it was rejected, is another effect of the trade of Parliament; to say, that without responsibility in the officers of state, there can be no limited monarchy, would be unnecessary in any enlightened country except Ireland; indeed, the existence of responsibility is as essential to the limitation of the monarchy, as the existence of a King to monarchy itself; and yet when the servants of the Crown argued against the bill, such ignorance did these men display, that they affirmed, that were the ministers of the Crown responsible in Ireland, for what they did by the orders of the King, yet they were above him, viceroys over him; and tattle of that sort. These men who had been talking and talking about the British constitution, showed they were misinformed both of the fact of the constitution in one country, and the principles of it in both. It was thus La Mancha's knight discourses about the perfections of his mistress, whom he never beheld. As on the East India question, they had resisted their free trade, so here they resisted their free constitution, and contended for absolute impunity in every abuse of power and prerogative that could be committed by the servants of the Crown, and by none more likely to be committed than themselves, acting under the authority of the first magistrate.

They were the more inexcusable for this doctrine, because they had before them their own crimes; many of them sat in the House, like gorgeous satraps, dressed in their own extortion; they had also in recollection the crimes of their predecessors; of those lord-lieutenants and their secretaries, whom these men had supported. In 1769, the army was increased to 15,000 men, under compact to keep within the kingdom at

all times, except invasion or rebellion in Great Britain, 12,000 men, and in 1779 you had not 5000; and government got your own consent to your nakedness. In 1773, a tenth was added to your revenues, on compact, to stop the further growth of debt, and in 1775, a new debt was presented to you. In 1785, new taxes were presented on specific estimates of all your expences, and every one of those estimates instantly and ever since grossly and corruptly exceeded. In 1783, an addition is made to the place of the private secretary to the Lord-lieutenant, on compact that he is not to have a pension. He takes a pension; his successor keeps the addition; and the nation continues saddled with both. In 1766, a King's letter is sent over, promising a specific reduction of most of the offices in the ordnance. In 1789, every word of the letter falsified, and every salary of those places increased for parliamentary influence. In 1773, a promise was made, in consideration of new taxes, to keep the boards of stamps and accounts united. In 1789, that promise is falsified, and they are divided for corruption. In 1773, the boards of revenue are united, and the number of the commissioners on compact, reduced; and in 1789, the compact is broken for corruption.

In 1785, the ministers in the respective countries come forward with two sets of propositions. The Irish secretary produces one part of the plan as the ultimatum of government, and for that he gets your taxes; the English minister then produces the other part, and for this he asks your constitution; and Ireland, like a poor traveller, is glad to escape with her life and liberty, after having been fleeced by two robbers. I only state a few instances of perfidy out of a thousand instances of mal-administration.

Carthage, or what the Roman historian has said of Carthage, has not exceeded your ministers in the fallibility of public honour. The ministers of this country have acted here on the principle of East India adventurers; but here there is less vigour in the soil, and, therefore, less plunder in your government; send these men beyond the line, send them to Aurora and the Ganges, and that principle will be rapine; keep them to Ireland, it is peculation; it is the sale of the country for half a million; it is robbing the country to buy the Parliament.

The persons who opposed the responsibility were therefore perfectly apprised of its necessity: they should have felt it in the general principles of the constitution; they must have felt it in the particular abuses in the Irish constitution; they felt in their own particular situation, that the minister of

Ireland, as our administration is at present constituted, has an interest opposite to the welfare of the country. It was once the object of the Irish government to support the supremacy of the British Parliament; it is now their object to supply that supremacy, and establish the corruption of the Irish in its place.

What made these present men ministers? What, but a steady opposition to the independent exertions of Parliament, and an activity to corrupt it. The liberty of the country has served the individual; it has made their treachery precious, and corrupt Irishmen must now do what powerful Englishmen did before them.

The constitution of Parliament may be divided into two parts: internal, which comprehends the existence of Parliament; and external, which comprehends its creation. As to the former, it is not the mere existence, but the independency of its existence, wherein the freedom of the subject consists. To restore that independency, a place bill was introduced. The legislators, the purse-bearers, the grand inquisition and great council of the nation, had as little control on the monarch as his beef-eaters. When the place bill was proposed and rejected — Brennus and the Gauls — the right honourable gentlemen was in your lobby with his mouth in every man's ear, and his touch in every man's palm!

By the rejection of the bill, they seemed to declare, that the House had been bought, was bought, and should be bought again. Among other arguments against the bill, one was advanced by authority, that the bill would prevent the Crown from combatting aristocracy, by bribing the Irish Parliament. What an argument for a radical application, — for a decisive measure to bring back your constitution to its first principles!

This bill was rejected along with a pension bill. The pension lists so called are two, — civil and military; but the real pension lists are more numerous; they distribute the bounty of the King among the senate — the licentiousness of the court, and the enemies of the realm. This is called a part of the dignity of the Crown. Corruption has not only reached the hearts of men, but it has debased their dialect; and our public language is become the speech of hypocrisy and imposture.

In rejecting both these bills, the ministerial language was, "it is true, they are the laws of England, but they are not fit for the meridian of Ireland;" this is much more than asserting that Ireland should not be free; it is asserting that England should be free, and Ireland should not; you may put the

question of servitude in such a shape, as to disgust the pride of a Cappadocian. The lot of Ireland, according to this reasoning, becomes particular degradation. We bear misfortunes patiently, because they are the portion of man; but if they were the inheritance of you and of me only; if the imperfection of the dispensations, ordinances, and decrees of nature were visited on one tribe of the human species; if Providence had spoken like the ministers of our country, "these blessings are very well for others, but they are too good for you;" I fear that the tribe so cast off would turn to execration; and till Providence shall mark its Divine displeasure, by inflicting some visible opprobrious distinction on the people of Ireland, confirming the argument of their minister, and denoting its intention to degrade us, I must to such logic remain a disbeliever. It was once in this country, "equal fate, and equal freedom," — the style is now changed a little — equal fate, *i. e.* equal fall, but inferior freedom; inferior freedom, and superior profligacy.

With the same view, to save the internal purity of Parliament, we proposed a resolution, touching those ministers of the Crown employed in the sale of peerages. They have made the honorific prerogative a nuisance; they have endeavoured to disgrace one House of Parliament, and to model both; they have invited the rabble to tread upon the nobles; and if this House had done its duty, some of those gentlemen now on the treasury bench should be lodged in the Tower.

I have said the constitution may be divided into two parts; internal and external. To preserve the former, we introduced those measures; and with a view in some degree to diminish the corruption of the latter, we introduced a bill for disqualifying revenue-officers from voting at elections; the bill did no more than what the principles of the constitution required, and no more than England already had done by statute. It prevented from interfering in election, a set of men who are in a most absolute manner dependant on the will of a minister; men who have from their office the power to harass and oppress the freedom of other electors, while they have no power to act with freedom themselves. They are so many votes taken out of the democratic scale, and thrown into that of the other side, and instead of adding to the number of free electors, are so many votes to be deducted from thence. The disqualifying bill was more necessary in Ireland, because the persons concerned in the revenue sit in Parliament: your collectors are members; your commissioners are members; are, in some cases, of course to try their own

constituents. They are not only members, they are ministers; they are not only ministers, they are borough patrons, and form a great aristocratic influence by virtue and abuse of their commissions.

The trade of Parliament is like original sin, — it operates through all political creation, and would lead me to various other instances in which this country has been deceived and exhausted, and in no instances more frequently than in the artifices whereby this trade has endeavoured to sustain itself. You remember the 140,000*l.*, and the threefold falsehoods annexed, — trade, equalization of expence, and non-accumulation of debt. The first promise failed at the outset; the equalization, the second promise, was also falsified; the government falsified every one of its own estimates, not of necessity, as has been suggested, or from national charges imposed, but voluntarily, prodigally, and corruptly. I will remind them of some of their expences. Do they remember the prodigalities of your pension in 1786, and the profusion of their park expences, at which the ministers laughed, when they voted? Do they remember the corruptions of Lord Buckingham, which corruption the gentlemen acknowledged, when they voted for the third promise? Non-accumulation of debt fails, when that of equalization fails. The minister who is guilty of exceeding, is guilty of debt, and not he who provides for it. They get a lottery, which is a resource to debt to supply the current corruption of the year, and they introduce this lottery under colour of diminishing the interest of the loan; and, when established, apply the annual amount to the establishment; they had gotten 140,000*l.* taxes, 80,000*l.* lottery; this will not do; they get a gross sum of 60,000*l.* from the bank, and, instead of applying to liquidate, give it to the establishment — 80,000*l.* per annum lottery, 60,000*l.* bank.

They raised the duty on spirits just to that criminal and critical point which left the intoxication, and increased the revenue, to take away at once the understanding of the people and their money; the increase of the duty on whisky, they made an excuse for raising the duty on rum. As that duty stood before, it was higher than the proportion; in England the proportion is about one to three, in Ireland two to three. Violating the proportion he professed to observe, to filch the revenue he pretended to abjure, he had engaged to encourage the brewery, as he had promised to depress the spirit; and was as fallacious on the encouragement of the one, as in the depression of the other. His whisky was to be rendered unattainable by raising it a farthing a pint; strong

beer was to be brought into consumption by lowering it the one hundredth part of a farthing a quart; here is his ultimate line of encouragement and depression of bringing a wholesome beverage into general use, and banishing a poison. The minister had filched, by this trick, his drawback on the loan; which was 70,000*l.*; he had filched what was estimated at about 40,000*l.* beside on spirit; and, in consideration of this, he offers you beer at threepence a barrel, reduced price. The fact is, the price of beer is now increased; the gentlemen who first proposed, disclaimed the business, and saw the duplicity; they had determined not only to give the brewery decisive advantage, by lowering the duty, but by taking off restrictions on the trade. I pass over the false measure by which the brewer is now taxed and aggrieved. Hear how they have taken off the restrictions by adding to them; they have imposed a new restriction affecting the quantity of liquor each brewer is to make; and to exclude the smaller brewer from the trade, they add a new restriction, and they left one of the worst of the old — the division of the breweries.

On the same plan of encouragement, he agreed to permit the importation of foreign hops. We had kept down our brewery in compliment to the brewers of London; we put it under inconveniencies in compliment to the hop-growers of England; we had excluded all foreign hops, and this monopoly of our consumption, our negotiators of the propositions stated not as a favour to England, but an obligation to her. They have since changed their opinion, and learned, that Flanders may grow hops as well as England. They agreed, therefore, that foreign hops should be importable at threepence per pound, which is twice as much as the duty on English; and then, in mockery of what they themselves had agreed to, they proposed in that repository of unconstitutional matter — the revenue bill — a clause which prohibited the import of foreign hops, except when British amounted to 9*l.* the cwt.; so that, however dear, however bad the English hops might prove, you must take them, unless they come to such a price that England cannot export them. Here is the fatal hand of an Irish cabinet legislating against Ireland, to promote its own credit in the court of Great Britain. Thus stands the conduct of the minister. On this subject he had disclaimed revenue; he had filched what was estimated at above 100,000*l.*; he had professed to stop the use of whisky, he had raised it a farthing the pint; he had professed to preserve the British proportion in the duty of rum, he violated that proportion; he had professed to give the brewery decisive encouragement, by lowering the duty on beer, he sunk the duty

the hundredth part of a farthing a quart; he had proposed to leave the brewer free, he left one grievous restriction, and added another; he had professed to agree to permit the import of foreign hops, he fixes the line of permission at an impossible price. These measures were too bad, and therefore it became necessary to do something bearing a resemblance to what he had professed — the discouragement of the use of spirits. He, therefore, borrows from a right honourable gentleman a bill of regulation; that bill, every efficient part of which is the formation of the right honourable gentleman, is the only measure that gives any chance of relief from that situation to which the duties adopted by the ministry lead — an increase of revenue, and a continuation of drunkenness.

From what I have stated of the situation of your Parliament, and from the conduct of that Parliament, under the influence of such a situation, your political liberty is in much danger. What is the state of your civil liberty? Four actions are brought for certain publications against one printer, and, without specifying any loss, they lay their damages to the amount of 8000*l*. The judge grants different fiats to oblige the printer to give bail to that amount; and the printer, unable to furnish such bail, is committed to prison; here is, by the judge so acting, a breach of the great charter; he deprived the subject of his liberty in a case which deprived the press of its freedom, and he did this against a positive clause in Magna Charta, which forbids excessive bail, and he did this on a principle which would enable him equally to deprive every other subject in the kingdom of his freedom against whom any action, however frivolous, was brought.

The printer having suffered almost to ruin under an arbitrary judgment, became a subject for parliamentary enquiry; but here a person, much more criminal than the judge, — the minister, stands forth; he comes with all the patronage of the Crown to screen from justice all these attacks on the liberty of the subject, and the liberty of the press. But was it friendship, was it private tenderness? No; he betrayed the judge in the moment, and in the manner of defending him; he confessed the crime when he screened the criminal. The ministry are enemies to the inquisitorial power of the people; a proceeding against an erroneous judge might be a precedent against an hot, an intemperate, and an arbitrary minister, they who had libelled the people of Ireland as gross and stupid, would not like to see that people exercise their inquest over the worst or even the best of judges. The people might question the sale of the peerages; they might question the expenditure of the half million; they might question the attack on the rights of

the city; when, therefore, the minister screened the judge, it was partly on a principle that the House of Commons should not proceed against state offenders; it was not that they hated the judge less, but that they hated justice more; the honourable mover said he dropped the question; I think him right. The offence of the judge is washed away; he has been punished in the treachery with which he has been defended; he has been punished in having a rival, his patron, and the right honourable gentleman his advocate; as his offences are washed away, so are they eclipsed by the crime of the ministry; that ministry, who, systematically and deliberately bad, could screen with the influence of the Crown, a judge whose offence they acknowledge, whose character they betray, whose authority they undermine, and whose power they continue.

The ministry, for whose continuation you are now to thank the King, have not only attacked civility by protecting the errors of judges, but by making their seats part of the patronage of the minister in the House of Commons, a respect for the constitution is fatal to the pretensions of a lawyer; a disregard for liberty is a qualification sufficient for him; the barrister is brought from his studies in the hall, to his compliances in the senate. In vain shall the minister assume a regard for the common law, to apologize for his contempt for the constitution when he undermines the law as well as that constitution, by making a corrupt political traffic of both, and mortgages the seats of justice, to reward parliamentary compliance. It is worse than an illegal opinion, or an attack on corporate rights; it is sowing the seeds of illegality in the very bed of justice. That minister who makes the law arrangement a part of parliamentary patronage, sells the seats of justice; he who sells the seats of justice, sells the law; and he who sells the law of the country, sells his loyalty.

I shall be told of many learned men of the law, sitting in this House. I make not the least doubt; but if it is neither repute nor learning, but the tender of both at the feet of the minister, that must raise them to the bench, I condole with them, and still more with their country.

There are various instances in which the corruption of the senate touches the condition of private life, (instances which cannot be well pronounced,) to attack either the political or civil liberty, yet accomplish an abundance of mischief; the police establishment of the city of Dublin, repeatedly patronized by the present administration, is of this nature; an institution planned to corrupt your magistracy and to procure a guard which neglect, insult, and has committed robbery on the citizens; they applied for redress, and found in govern-

ment an accomplice; the charge for this public nuisance has been, since its establishment, near 100,000*l.*

The rejection of the barren land bill is another subject, where the trade of Parliament has touched the private interest of men, and the intended economy of the country, a subject, if compared to what has been mentioned already, a trifle; but as explanatory of principle, a volume. The bill provided, that lands which, by reason of their barrenness, had been exempt from tithe, should continue so for seven years, notwithstanding their cultivation; the principle of this bill was an immediate addition to the income of the kingdom, and a reversionary addition to that of the church: upon its principle it was rejected by the influence of government, and of that very government who had before declared the bill to be the best ever brought into Parliament. Three bills had been introduced in 1788, one for rape, another for flax, and a third for barren land. The ministry compromised that two should be sacrificed to the bishops, and one should be conceded to the country. They went farther, and their Attorney-general * declared, that the bill in question, viz. the barren land bill, was the best ever brought into Parliament; and he took on himself the modelling some clauses to secure the assent of the bishops; the bishops, or some who led them, were then supposed to have broken faith with government, as government after broke its engagement with the country, and rejected this very best of all possible bills on the worst of all possible motives; for the votes of the bishops in Parliament. They, the ministers, sold this bill; they sold it to the Lords spiritual, just as they had before sold their honours to the Lords temporal. Such a step would scarce be credible, except under an administration who had prevaricated on the subject of the propositions, under whose venal auspices seats of justice, peerages, the establishment, and now the bills and proceedings of Parliament, like their own talents and activity, were all sold for parliamentary compliances.

I congratulate the church on its alliance with such ministers of the Crown. But let me assure them it will not serve their promotion; they live under an administration which has but two principles of promotion, for church or law; ENGLISH RECOMMENDATION and IRISH CORRUPTION.

What is the case of Doctor Kirwan? That man preferred this country and our religion, and brought to both a genius superior to what he found in either; he called forth the latent virtues of the human heart, and taught men to discover in

* Mr. Fitzgibbon.

themselves, a mine of charity, of which the proprietors had been unconscious; in feeding the lamp of charity, he had almost exhausted the lamp of life; he comes to interrupt the repose of the pulpit, and shakes one world with the thunder of the other. The preacher's desk becomes the throne of light; around him a train, not such as crouch and swagger at the levees of princes, (horse, foot, and dragoons,) but that wherewith a great genius peoples his own state, charity in action, and vice in humiliation; vanity, arrogance, and pride, appalled by the rebuke of the preacher, and cheated for a moment of their native improbity. What reward? St. Nicholas Within or St. Nicholas Without!! *The curse of Swift is upon him to have been born an Irishman; to have possessed a genius, and to have used his talents for the good of his country.* Had this man, instead of being the brightest of preachers, been the dullest of lawyers; had he added to dullness venality, had he aggravated the crime of venality, and sold his vote; he had been a judge: or had he been born a blockhead, bred a slave, and trained up in a great English family, and handed over as a household circumstance to the Irish viceroy; he would have been an Irish bishop and an Irish peer, with a great patronage, perhaps a borough, and had returned members to vote against Ireland, and the Irish parochial clergy must have adored his stupidity, and deified his dullness. But under the present system, Ireland is not the element in which a native genius can rise, unless he sells that genius to the court, and atones by the apostacy of his conduct for the crime of his nativity.

Unde derivata hæc clades? In five words I will tell you; in the trade of Parliament: it is a matter to consider, how a man bred up in the school of liberty, how a foreigner would speak to you ON YOUR PRESENT SITUATION; he would perhaps address the gentlemen of this House in the following manner, — You put on the sword, and would have drawn it for your freedom, and failing, you had died in the field, or had bled on the scaffold. In that event, the Attorney-general, on the part of the crown, had prosecuted, and the Chief-Justice had pronounced sentence, and the boys of your court would have shouted at the execution of the patriots. How comes it that of the men that would have been your executioners, some of them have become your ministers? Your madness is not become a general disease; we do not find that the English, after their revolution, made Father Peter, archbishop of Canterbury, or that General Bender has placed Vandernoot at the head of the Imperial army. America had enemies, but she disposed of them in a different manner; you

have put into commission your enemies, and you have banished your friends. We see with astonishment, and in it we blush for the abortive efforts of national spirit, the mortifying insignificance of public opinions, and the degrading contempt into which the people of your country have fallen, with all their shouts and addresses. We see your old general who led you to your constitution, march off; dismissed by your ministry as unfit to be trusted with the government of a county; the cockade of government struck from his hat. * That man whose accomplishments gave a grace to your cause, and whose patriotism gave a credit to your nobles; whom the rabble itself could not see without veneration, as if they beheld something not only good, but sacred. The man who, drooping and faint when you began your struggles, forgot his infirmity, and found in the recovery of your constitution a vital principle added to his own. The man who, smit with the eternal love of fame and freedom, carried the people's standard till he planted it on the citadel of freedom, see him dismissed from his government for those very virtues, and by that very ministry for whose continuance you are to thank the King. See him overwhelmed at once with the adoration of his country, and the displeasure of her ministers. The history of nations is oftentimes a farce. What is the history of that nation that having, at the hazard of every thing dear in a free constitution, obtained its mistress, banishes the champion, and commits the honour of the lady to the care of the ravisher? There was a time when the vault of liberty could hardly contain the flight of your pinion; some of you went forth like a giant rejoicing in his strength; and now you stand like elves, at the door of your own pandemonium. The armed youth of the country, like a thousand streams, thundered from a thousand hills, and filled the plain with the congregated waters, in whose mirror was seen, for a moment, the watery image of the British constitution; the waters subside, the torrents cease, the rill ripples within its own bed, and the boys and children of the village paddle in the brook.

Sir, whenever freedom shall be properly understood, depend upon it the gentlemen of this country will be ashamed of the condition they bear, and the questions they have made upon it. In the mean time, I can account for their patience; the Irish are accustomed to be trodden upon; uniformly, says Junius, has Ireland been plundered and oppressed. It is not so in England; defective in some particulars as the constitution of England may still be, yet, with all those defects, England has a constitution, and she has also maxims as well as laws to

* Lord Charlemont, *late* governor of Armagh.

preserve it. They have not been blessed in England with a succession of Lord-lieutenants' secretaries, whose sole occupation has been to debauch the political morality of the gentlemen of the island. No minister will venture to tell the gentlemen of England that they must be bought; no man will venture to say, that the best minister is he who buys Parliament the cheapest. Men do sometimes desert and oppose their own party, but not themselves and their own list of measures. A man does not in England publicly cross the House to reverse every part of his conduct, and then hold out his little paw to the minister like a penny boy. There was, indeed, one man in England supposed to have done so; but he was in England a prodigy; let me add, he had been Irish secretary in Ireland.

The people of this country supposed that England acceded to their liberties, and they were right; but the present ministry have sent the curse after that blessing. Hear the curse! You have got rid of the British Parliament, but we will buy the Irish; you have shaken off our final judicature, but we will sell yours; you have got your free trade, but we will make your own Parliament suffer our monopolists in one quarter of the globe to exclude you; and you shall remain content with the right, destitute of the possession.

Your corporate rights shall be attacked, and you shall not stir; the freedom of your press and the personal freedom of the subject shall be outraged, and you shall not arraign; your city shall be put under contribution to corrupt its magistracy, and pay a guard to neglect and insult her; the seats of justice shall be purchased by personal servitude, and the qualification of your judges shall be to have borne their suffrage and testimony against the people. Taxes shall be drawn from the poor, by various artifices, to buy the rich; your bills, like your people, shall be sold; you shall see the genius of your country neglected, her patriotism dismissed from commission, and the old enemies of your constitution made the rulers of the realm.

Mr. Richard Sheridan opposed the address. He stated, that the administration had refused a place bill, a pension bill, a responsibility bill, a revenue-officers' bill; and they had extinguished all sort of enquiry into the sale of peerages. With such grounds for opposing them, he could not support the address.

The Chancellor of the Exchequer and Sir Henry Cavendish defended the administration. They maintained that the charges against government had been refuted, and that the terms that had been applied to them and to their conduct were unparliamentary.

Upon this Mr. GRATTAN said in reply: The right honour-

able baronet (the Chancellor of the Exchequer) who spoke second in debate, is much mistaken if he hopes that he shall hear no more of the misconduct of his brother ministers; on the contrary, he shall be reminded of it repeatedly. He speaks of coming to particulars; we wish to come to particulars of their offences; we wish, for instance, for a committee, to enquire into the sale of peerages, but that is a particular he wished to avoid, and cannot deny. He speaks of the 140,000*l.* as my measure; it was the minister's measure, on a condition in which he afterwards broke his word. He speaks of the regulation of spirits; the idea, indeed, of attempting, by regulation of duty, to check general intoxication, was that of a right honourable friend of mine; the disappointing that idea was the act of the minister.

Another right honourable baronet (Sir Henry Cavendish) has dropped some words in allusion to the debate; he talked of extra matter. What is the question? Thanks for the continuation of the Lord-lieutenant; and what is that matter which the baronet calls an extra dissertation on his measures? It seems the right honourable baronet is ignorant of the only subject he is supposed to be acquainted with—ORDER. He talks of scurrilous language; his language and epithets return on himself. But a man's language is of little moment; it is his CONDUCT that is essential. What shall we say of the conduct of that man who voted in ONE session FOR a pension bill, and AGAINST it in the next? of that man, who voted FOR a place bill in one session, and voted AGAINST it in the next? of that man who voted for a committee to proceed towards impeachment against the present ministry for the selling peerages, and the very next session votes for thanks to that very ministry? What does he think of such an apostate?

The question was then put on the address, and it passed without a division.

COMMITTEE OF SUPPLY.

February 6. 1792.

THE Chancellor of the Exchequer entered into a statement of the finances of the country, which he represented as being in a more flourishing condition than at any former period. He said, he had avoided, since he came into office, the expedient of loans and new taxes, as he was convinced the growing prosperity of the country would be sufficient to defray the expences of govern-

ment without their aid. The expences of the present year were 1,095,573*l.* and the revenue was 1,064,865*l.* There was a deficit which the increased produce of the taxes, he hoped, would supply; and a surplus might naturally be expected in the revenue. The country had long struggled with an unfunded debt, but had at length got rid of it. The government had abstained from loans, and abstained from increased taxation; but had not abstained from works of public utility. In such a situation, Ireland had a good right to look forward to prosperity and opulence.

Mr. GRATTAN remarked, that from the confession of the minister of finance, there was an excess of revenue over expenditure. There appeared to be a redundancy of 37,000*l.* last year, and a probability of 50,000*l.* this year. It followed that there was no occasion for a new tax upon sugar. He was therefore for applying its produce in three modes.

1st. As his honourable friend (Mr. Ponsonby) had suggested, to the repair of the great roads.

2d. To increase the income of the dissenting clergymen of the Presbyterian church, as hinted by another honourable gentleman (Mr. Stewart, of Killymoon).

3d. To free the peasantry of the kingdom from the oppression of hearth-money.

For the latter he proposed to have a specific plan, which he would submit to the House at a future day. He then animadverted on the statement and positions of the Chancellor of the Exchequer; the right honourable baronet had proved two things; that the expences of government without the lottery exceeded the taxes which were thought sufficient to equalize; and that it is by the profits of the lottery, that is, by applying to peace the resources of war, that government is able to exist.

Indeed from the style in which the right honourable gentleman talked of that mischievous mode of revenue, he seemed to consider it as one of the ordinary resources of the state; for his part he should ever reprobate it as such, and to a prudent minister it would be one of those resources to which he should recur with most reluctance.

From this statement it appeared, that the excess of revenue above expence had arisen not from the economy of government, but from the misapplication of the public funds; by appropriating that to the establishments which ought to have gone to the debt.

Another circumstance in the statement which called for observation, as tending to convey a fallacious idea of the state of finance, and of the proportion between expenditure and revenue, was, the deposit of 30,000*l.* from the bank; which

certainly was not a part of the ordinary income; nay, was a casualty that could not again recur; and yet it was included as part of the revenue of the country, and was used to prove that, under the auspices of the present ministers, the expenditure of the country and its revenue were approaching to equality.

Taking the statement of the right honourable gentleman however as authentic and accurate; granting that the revenue of the country has, in the last year, produced a redundancy of 30,000*l.* and in the next year would probably produce a redundancy of 50,000*l.* more, it followed, as a necessary inference, that the funds of this country were in no need whatsoever of any addition. The produce of the intended tax on sugar, therefore, needed not to be added to the revenue; that was already redundant, and since that redundance obviously resulted from the increased produce of the taxes, not from the diminished expenditure of administration, it remained for the House to consider to what great and beneficial public purposes this redundance might be applied.

An honourable friend (Mr. George Ponsonby) had suggested the propriety of discharging the debts due by the public roads, which exhaust their funds, and deprive them of necessary repairs. Another honourable friend of his had mentioned the state of the dissenting clergy, and spoken of granting them a more comfortable provision. Both these were objects, than which none could be found more worthy the attention of Parliament; nor could there possibly be a better fund for effecting them, than this redundancy of revenue. In the hands of any ministry, it was dangerous to leave unappropriated wealth; it was a temptation to extravagance, which few ministers would be able to withstand; it was a temptation peculiarly dangerous to the present ministry, with whose weakness in that instance the country was well acquainted; the more so as an increase of expenditure with them is synonimous with an increase of influence. Besides these two great and useful objects, there was another, not less worthy the attention of the House, which he would take leave to suggest, it was to remove the oppression of the hearth tax from the poorer part of the peasantry. A right honourable friend of his, not in the country (Mr. Conolly), had applied himself sedulously for several sessions to effectuate this laudable purpose, without effect. Why? because there could not at that time be any means found to supply the deficiency, which the repeal of this tax would necessarily occasion in the hereditary revenue, unless by laying on new taxes; that difficulty is now removed, for here is a fund, if the statement of

this finances be true, more than adequate to supply the deficiency, without laying on any new burden.

It was the duty of this House to consult the ease and happiness of the poor; here was an instance in which both might be promoted, and it was the more necessary for the House to avail themselves of it, as the humanity of the British legislature had long since set them the example. On this subject he had a motion to propose to the House which he should lay before them at a future day.

The right honourable gentleman had congratulated himself and his coadjutors with a good deal of self-complacency, that the different items of the public accounts had not been objected to in the committee. Why, Sir, there are many items among them which we suffered to pass without animadversion, not because we knew it was vain for us to deny giving them the appearance of parliamentary sanction, by bringing forward questions of which we knew, from repeated experience, what would have been the fate. It would have been folly in gentlemen, knowing as they do, the temper and the constitution of this House, to put a question on every undeserved pension; on every corrupt and superfluous salary. He has said also, that the House were in the habits of approving the several heads of which the accounts consist. If by the House he means his majority, he is right, it was that majority that approved and sanctioned them; not we; for we have formerly condemned, and do now most heartily condemn innumerable articles under the different heads. We condemn the civil list as extravagant; we condemn the revenue establishment as extravagant and corrupt; we condemn the pension list as shamefully extravagant; and the concordatum is no less so; but we have not repeated our complaints against this extravagance in those instances, because we well knew how inefficacious those complaints would have been.

He then proceeded to state the enormous increase that had taken place under each of those heads since the year 1785, when the new taxes were granted; and proved that the total increase of annual expence in them amounted to upwards of 90,000*l*. In that year, when the taxes were granted on their own estimate, the expence of government, including parliamentary grants, was 1,000,800*l*. The statement of the right honourable gentleman for the next year, is 1,095,000*l*., —an increase of 87,000*l*. above its own estimate, on the faith of which it obtained its taxes. But this was not the whole of the increase; the increased expence of collecting the revenue is to be added. In 1784, that expence was 176,000*l*.; it is

now 251,000*l.* The increase 74,000*l.* to be added to the other increase of nearly 90,000*l.*

It was unnecessary, he said, to enter into a minute detail of particulars. The accounts, as stated by the right honourable baronet himself, proved the assertion; for, notwithstanding the increase of revenue, the expenditure of ministers still exceeded it; and it was only the lottery of the right honourable gentlemen that supported the administration with whom he acted; and for his ingenuity in finance of that kind he allowed him every praise, at the same time, that of the mode of finance itself he totally disapproved.

Mr. Vandeleur, Dr. Browne, and Mr. Egan, said, that although they always heard the minister boast of an increasing revenue, they never heard him hold out any hopes of a diminution of the public burdens. The plan proposed to employ the redundant revenue, and relieve the peasantry from the hearth tax, met with their warm approbation.

Sir Henry Cavendish said, that the poverty of the peasant had not been attributed to its true cause. It arose, in a great degree, from the middle-men, who oppressed the people grievously.

The Chancellor of the Exchequer then moved his resolutions:

"That the debt of the nation was 2,231,609*l.* at Ladyday, 1791.

"That the nation is liable to the payment of annuities, at the rate of six per cent., to the amount of 440,000*l.*

"That the nation is also liable to the payment of certain other annuities, at the rate of 7*l.* 10*s.* per cent., to amount of 300,000*l.*

"That in order to enable His Majesty to carry into execution his gracious resolution, as signified in a message to the House by Lord Viscount Townsend, to keep within the kingdom, for the necessary defence of the same, 12,000 men, unless in case of invasion or rebellion in Great Britain, 3322 men be maintained for one year to the 1st of April, 1793; so that the forces on the establishment of the kingdom may amount to 15,232 effective men," &c.

The several other resolutions, and the supply to the amount of 77,139*l.* were agreed to, and the chairman reported progress.

ROMAN CATHOLIC RELIEF BILL.

SIR HERCULES LANGRISHE, INTRODUCES A BILL FOR THE RELIEF OF THE ROMAN CATHOLICS.

February 18. 1792.

ON the 25th of January, Sir H. Langrishe obtained leave to bring in a bill for the relief of His Majesty's Roman Catholic subjects. Its object was to open to the Roman Catholics the

profession of the law; to permit their intermarriage with Protestants; to restore certain rights and privileges of education; and to enable them to follow trades, &c. Mr. O'Hara, on this occasion, presented a petition, signed by certain Roman Catholic individuals, whose property he stated to be very considerable. Its reception was objected to, as it was supposed to have originated with a private individual (Mr. Richard Burke, son to the celebrated Edmund Burke), and did not express the sentiments of the Roman Catholics. Mr. George Ponsonby conceived the established forms of Parliament had not been complied with, and that the petition was on that account objectionable.

Mr. GRATTAN said: I should be sorry that any man should depart possessed with an idea that this House had refused to receive the Catholic petition, or committed an act so outrageous and unconstitutional; but an informality attending the manner of presenting it has induced the member himself to postpone the business for another day. Sir, I concur with the mover of the bill in every thing he has said in favour of the Catholic body; it is, therefore, I cannot agree with other gentlemen who talk of their evil intentions, and seditious publications. Sir, I know of none such that can be charged to the Roman Catholics; nor do I see how gentlemen can assent to a bill which supposes the merits of the Catholics, and to insinuations that bespeak the contrary. What you give to the Roman Catholics, give liberally; what you refuse, refuse decently; whatever you do, do with discretion; whatever you say, let it be the language of decency and good manners.

Here Mr. Richard Burke, who was attending the debate, having incautiously ventured into the body of the House, behind the Speaker's chair, to converse with Mr. O'Hara, there arose a general cry of "*Into custody!*" He, however, withdrew in time to avoid being taken by the Sergeant-at-arms. In alluding to this, the Solicitor-general (Mr. Toler), who had ridiculed the mode in which the petition had been managed, jocosely observed, that when some foolish petitioners had flocked to St. James's with a statement of the grievances of that day, he remembered reading, in the London papers, a paragraph which announced, "That on such a day a most violent petition was presented to the House of Commons, *but it luckily missed fire, and the villains made off.*" This humorous allusion to Mr. Richard Burke restored the House to good humour.

The petition was then withdrawn.

On the 4th of February, Sir Hercules Langrishe presented the bill, which was read a first time, and ordered to be printed. On the 15th, it was read a second time.

On this day Mr. Egan presented a petition from certain Roman Catholics, "Entreating the House to take into consideration,

whether the removal of some of the civil incapacities affecting them, and the restoration to some share of the elective franchise, would not tend to strengthen the state?" This petition was received.

The order of the day for the House to resolve into a committee of the whole House, to take the bill into consideration, was then read; and the Speaker put the question, that he do leave the chair. Mr. Ogle and Mr. Ruxton opposed the motion, as they considered the bill would affect the Protestant ascendancy.

It was supported by Mr. Browne, Mr. Hardy, Sir Hercules Langrishe, Mr. Michael Smith, Mr. Egan, Colonel Hutchinson, Mr. G. Ponsonby, Mr. George Knox, Mr. Hobart, the Chancellor of the Exchequer, and Mr. Curran, who, alluding to the term "Protestant ascendancy," said: "If you mean by ascendancy the power of persecution, I detest and abhor it. If you mean the ascendancy of an English school over an Irish university, I cannot look upon it without aversion. An ascendancy of that sort rises to my mind a little greasy emblem of stall-fed theology, imported from some foreign land, with the graces of a lady's maid, the dignity of a side-table, the temperance of a larder; its sobriety the dregs of a patron's bottle, and its wisdom the dregs of a patron's understanding, brought hither to devour, to degrade, and to defame. Consider the necessity of acting with a social and conciliatory mind. A contrary conduct may perhaps protract the unhappy depression of our country, but a partial liberty cannot long subsist. A disunited people cannot long subsist. With infinite regret must any man look forward to the alienation of three millions of our people, and to a degree of subserviency and corruption in a fourth, which I am sorry to think it is so very easy to conceive; because of such an event the inevitable consequence would be, an union with Great Britain. And if any one desirous to know what that would be, I will tell him. It would be the emigration of every man of consequence from Ireland; it would be the participation of British taxes without British trade; it would be the extinction of the Irish name as a people. We should become a wretched colony, perhaps leased out to a company of Jews, as was formerly in contemplation, and governed by a few tax-gatherers and excisemen; unless, possibly, you may add fifteen or twenty couple of Irish members, who might be found every session sleeping in their collars, under the manger of the British minister."

Mr. GRATTAN said: Sir, in rising to speak on this question, I feel myself very peculiarly circumstanced; because I shall differ from the sentiments of a part of my constituents, whom I highly respect; but in the line I shall take, I feel that I shall more materially serve the true interests of the capital in general, than I should, in complying with the instructions of a few, when the question is, whether three millions of loyal subjects are to be kept in a degrading subjection to a body of one million? I will capitulate with no set of men on a subject

where the interest, the justice, and the prosperity of this country are at stake.

I have on this question two objects; 1st, the Protestant; 2d, the Catholic. What is the condition of the latter? He cannot exercise his industry in any one profession — bar, army, or navy; he cannot obtain a degree in physic; he cannot receive any education, foreign or domestic; he cannot intermarry with a Protestant, and if a Protestant should by evasion marry a Catholic, she communicates to her husband the taint of disability; he cannot carry arms for his amusement or his defence; he cannot employ a Protestant servant to carry arms for him; he is bound without his consent; taxed without being represented; and is excluded from the political, civil, military, and constitutional functions, to whose establishment he is made to contribute! You despise to tell the Roman Catholic that such a condition is a state of political freedom. You have ascertained the value of those rights from which he is excluded. You have taught him that no human condition is supportable without political freedom; and that no man, circumstanced like him, is politically free. You despise to speak in the same country two languages. "These things are necessary for human liberty, but without these the Catholic may be free." He has, in the course of the last fifteen years, been witness to three controversies on the subject of political freedom; that of America; that of France; and that of Ireland. The lessons he has learned from them must be implanted in his breast for ever. His destination we must therefore allow, is not that of freedom, and his sense of that destination we must suppose to be clear and decided. We have considered his punishment; let us now consider his offences, — the Pretender is no more. That former bond of Catholic union, never the object of his hope, and now no longer the resource of his despair, extinct, and with him the spring, and passion, and apprehension of these laws. You will please to recollect, that these laws were made principally to guard the succession of the Crown against the followers of the house of Stuart, and that Catholicity was not so much the object of the penalty as the evidence of the attachment. The Pope — a name — driven out of his capital of Popery; France, unable to curse, scarce permitted to bless, without temporal, and now a suppliant even for spiritual authority; the type of the fall of bigotry, and a lesson to all dominant sects of Christianity, and to you, among others, not to use their God as a scourge for their fellow-creatures. It is something on a question touching the repeal of the penal laws, that the principal causes for which they were made, the one has expired,

and the other is expiring — the Pope and the Pretender. France, that ancient head of Catholic league, vanished out of that confederacy, and propounding new systems of politics, and new principles of religion, fatal to bigotry either in church or state, and subversive of that slavery, temporal and spiritual, at which, for the last century, we have been accustomed to tremble. Whatever, therefore, may be the crime of the Catholic to ground a code of disability, there is one offence, of which he is not, and of which he cannot now be guilty — disaffection — because the objects and the resource of disaffection, and with them the principle itself, must have departed. His offence is therefore reduced to two heads; his nativity, as connected with claims of property; and his religion, as distinct from views of politics. As to the first, he directly and immediately meets the charge; he denies that any such claims exist; he denies the possibility of their existence; he denies that he could benefit or you lose by the repeal of the act of settlement; he relies upon it that your title is by time as well as act of Parliament; he insists that a greater number of Roman Catholics take under the act of settlement, than could prefer claim on the repeal of it: that such claims, if any, are common to you, as your title under the act of settlement is common to him; and he offers you any assurance, not only for your titles, which he reveres, but for your fears, which he respects; and he alleges, that the whole Catholic body are ready and desirous to take the same oath, to secure the act of settlement, which you have thought sufficient to secure the succession of the Crown. He desires you to name your own conditions and terms of abjuration, touching any imputed claim on this subject. Thus the code of disabilities, as far as they are maintained on this ground, is reduced to an act of power, which disables 3,000,000 of people for the untraceable descent of a few, grounded on the apprehension of claims imputed to that few which they cannot trace, which none make, and which all abjure.

I come now to the other head of offence — his religion as distinct from politics. I am well aware, in questions of this sort, how little religion affects their determination; however, we must not, like ardent disputants in the fury of the controversy, forget the subject, nor, in the zeal of the sectarist, lose all recollection of the Godhead. It is necessary to remind you, that the Catholics acknowledge the same God, and the same Redeemer, and differ from you only in the forms of his worship, and ceremonies of his commemoration; and that however that difference may be erroneous, it is not sufficiently heinous to warrant you in dispensing with the

express and prime ordinances of your own religion, which enjoin certain fraternic affection towards all men, and particularly towards fellow-Christians, whom you must allow to be saved, and are commanded to love. Admitting the principles of your religion in any degree to affect your determinations, you cannot suffer their prime injunction to be cancelled by any ambition of monopoly, or any views to the sole and exclusive profits of the state. It is not sufficient to acknowledge the divinity of your God as an historic fact; you must feel his charities, and attest your belief not only in cheap and easy prayer, but in an animated practical philanthropy. You cannot say, speaking as mere Christians, it is true, God orders these things; but if we complied, the Catholics would get some share of political power. You cannot thank your God for the redemption of mankind, and of these among the rest, and rise from your knees, and inflict on his followers temporal disabilities on account of their religion. We cannot exercise a political practical atheism, in the name and on the behalf of our God. If we are justified in imposing disabilities on account of religion, all Christendom should have been disqualified until the sixteenth century; and even now the greater part of Christendom should remain disqualified, for the greater part is Catholic; then our ideas on politics and religion compounded, would amount to this extraordinary proposition, that Protestants ought to inflict, all over the world, where they can, disabilities on the majority of the followers of Christ, who would thus stand in a strange predicament, objects to their brethren of perpetual proscription, and objects to our God, by the acknowledgment of those brethren, of perpetual salvation; and this situation would be the more inexplicable, when we maintain that our right to impose these perpetual disabilities arises from the superior benevolence and mildness of the Protestant religion. We are therefore arguing this question, merely on the ground of Christians driven to these straits, either to relax the principles of our code, or to surrender the principles of our religion. Let us shut our eyes, however, to Revelation, and look to some other light for our justification; let us turn to the law of nature, — but surely we are led or betrayed by that light to revolt, of eternal disabilities imposed upon men for theological errors. The law of nature knows, nor physical, nor metaphysical, nor theological proscription; she imposes no precise standard of theological opinion; in her production, many things are analagous; nothing is the same, not even in the vegetable tribe, still less in the workings of the human intellect; and, least of all, on a subject in whose contemplation

that intellect is strained and exhausted, to justify disabilities on account of theological errors; we must, therefore, have recourse to some other law than the law of Christianity, or the law of nature. We imagine we have found it in our own peculiar situation; that situation we state to be as follows: The Protestants are the few, and have the power; the Catholics have not the power, and are the numbers; but this is not peculiar to us, but common to all nations, — the Asiatics and the Greeks; the Greeks and the Italians; the English and the Saxons; the Saxon, English, and Normans; the vanquished and the vanquisher; they all at last intermingle. The original tribe was in number superior; and yet that superiority never prevented the incorporation, so that this state of our settlement is not peculiar to Ireland, but the ordinary progress of the population, and the circulation of the human species, and, as it were, the trick of nature, to preserve, by intermixture, from dwindling and degeneracy the animal proportions. In some tribes, it might have been otherwise, but they must have died before they could reach history, a prey to their disputes, or swept off by the tide of other nations washing them away in their little divisions, and leaving something better on their shore, — solitude on a wiser people.

Had the English settlers, and the native Irish, been Pagans, they must have united. Am I to understand that the Christian religion separates and sharpens the natural mildness of barbarous generations, and condemns men to perpetual degrading casts, so that the errors of the Bramin are the wisdom of Christ? Ridiculous! What then becomes of this argument founded on the supposition of a peculiar situation? But here another principle is advanced, and connected, indeed, with the argument of situation, the Protestant ascendancy. I revere it; I wish for ever to preserve it; but in order to preserve, I beg to understand it.

The Protestant ascendancy I conceive to be twofold; first, your superiority in relation to the Catholic; second, your strength in relation to other objects; to be the superior sect is a necessary part, but only a part of your situation; to be a Protestant state, powerful and able to guard yourself and your island against those dangers to which all states are obnoxious, is another part of your situation. In the one point of view, I consider you as a victorious sect; in the other as the head of a growing nation, and not the first sect in a distracted land, rendered by that division a province, and not a nation. It would be my wish to unite the two situations, a strong state with the Protestant at the head of it; but in order

that the head of the state should be secure, its foundation should be broad. Let us see, how far the Protestant ascendancy, in its present condition, is competent to defend itself. Can it defend itself against a corrupt minister? Is the Protestant ascendancy able to prevent oppressive taxes, control the misapplication of public money, obtain any of the constitutional bills we have repeatedly proposed, or repeal any of the obnoxious regulations the country has repeatedly lamented? There is in this House, one man who has more power in Parliament than all the Protestant ascendancy; I need not tell you, for you know already, as the Protestant Parliament is now composed, that which you call the Protestant ascendancy is a name. We are governed by the *ascendancy of the treasury*. Let us try the force of the Protestant ascendancy in the election of the people. A general election in Ireland is no appeal to a Protestant people, for they do not return the Parliament. The Protestant ascendancy returns for corporate towns, about ten or twelve members; the rest are returned nominally by corporate towns, but really by individuals. A general election in Ireland, and particularly since the sale of peerages, is an increase of the strength of the minister, and a decrease of the strength of the people; and, by the people, I mean the Protestant community. The ascendancy, therefore, in elections, is not the ascendancy of a Protestant people; it is a *ministerial and an aristocratic ascendancy*. Let us discuss your strength in other trials; you are weak against an administration. I know what you did in 1779, and in 1782; but I know in both those periods the Catholic acted in conjunction with you, and each period was immediately anteceded or accompanied by the penal code. You are weak, I say, against an administration. How are you against an invasion? Let me suppose that event. I know some of you would say, we should stand between two fires. I do not believe it; but I do much apprehend, unless you relax your code that we should stand between the fire of the enemy and the apathy of our own people. If the Catholic resorts to force or to threats he is lost; he has only to resort to your own laws to do you mischief, and, in an obstinate and dutiful adherence to act of Parliament, to remain a disarmed spectator of the invasion of his country, unarrayed and unenlisted.

You must, however, in that event, arm them for your defence as you did in the last, and proposed to do in the former war, and instead of repealing your laws for his sake, you must then break them for your own. But you will place little reliance on the languid battalion of an interdicted people; and then the unpopular Hanoverian, then the mercenary,

Hessian, then the unfeeling German, must come and guard you with foreign mercenaries against your natural friends as well as your enemies. A nation thus unable to protect itself without such assistance, becomes the easy prey of any minister; and the British government may say to the Protestants of Ireland, "Gentlemen, you are perfectly right in excluding from freedom three-fourths of your people; but as they happen to be three-fourths of your people, it is impossible that your ill-fated country, even in your own instance, should expect all the blessings of the British constitution. You, as well as the Catholic, therefore, must make allowance if your government is somewhat arbitrary and exceedingly corrupt. Why do you murmur? You have demanded liberty for yourselves; you have refused it one to another; we will however, soften your situation; the Protestant shall coerce the Catholic, and the minister shall coerce the Protestant; and thus we accommodate your religious distinctions."

There is another danger to which, or to the fear of which, your divisions may expose the Protestant ascendancy, I mean a Union. Let me suppose the minister, as he has often proposed corrupt terms to the Protestant, should propose crafty ones, to the Catholic, and should says, "You are three-fourths of the people, excluded from the blessings of an Irish Constitution; accept the advantages of an English Union; here is a proposal probably supported by the people of England, and rendered plausible to at least three-fourths of the people of Ireland." I mention a Union because I have heard it has been darkly suggested as the resort of Protestant desperation against Catholic pretensions. *Never think of it;* the Protestant would be the first victim; there would be Catholic equality and parliamentary extinction. It would be fatal to the Catholic also; he would not be raised, but you would be depressed, and his chance of liberty blasted for ever; it would be fatal to England, beginning with a false compromise, which they might call a Union, to end in eternal separation through the progress of two civil wars. I have stated three dangers to which your ascendancy is exposed; let me suggest a fourth; the intermediate state of political langour whenever the craft of the minister touches you in your religious divisions; the loss of nerve, the decay of fire, the oblivion of grievances, and the palsy of your virtue, your harp unstrung of its best passions, and responsive only to notes of gratitude for injuries, and grace and thanksgiving for corruption.

From all this, what do I conclude? that the Protestant ascendancy in Ireland requires a new strength and that you must find that strength in adopting a people, — a progressive

adoption of the Catholic body, in such manner, and with such temperament as you who have the legislature in your hands may well devise, and such as shall gradually unite, and ultimately incorporate; but this will be better understood when I answer an objection made to the bill before you, on a supposition, that giving the Roman Catholic power in your country, you only enable him to subvert her establishment. By power must be intended interest, and then the argument will be, that if you give a man an interest in the state, you give him a disposition to destroy it, which is to attribute to the Catholic a passion for political suicide. Sir, the objection assumes two propositions which cannot co-exist, that the Roman Catholic will have power, arising from the repeal of disabilities, and the disposition, arising from the continuation of them. Sir, the repeal of the disability is the repeal of the passion that grows from it. Gentlemen fall into a sad error when they suppose theological opinions form mankind into distinct political societies, as if there was a political society of Deists or Atheists, or of Free-thinkers. It is not the opinion but the penalty that forms the fraternity; disability is now the constitutive act, forming the Catholic into a distinct association; and the repeal of the disability is the act of its dissolution. I rely upon it, that the progressive repeal of the disabling code must accomplish political conformity; the progress of affection is inseparable from the progress of the power; that power grows by slow degrees and stages, in every stage dissociating the Catholic from his own sect, and associating him to yours; conforming him to your nature, and assimilating him to your strength, while he add, life and vigour to his own. To give capacity is one thing, to give the enjoyment is another; and in every advance from the capacity to the enjoyment, a personal interference takes place, and unanimity dies, and a conformity of mind grows on a conformity of interest; the soul of the one sect enlarges by the act of giving, that of the other by receiving, until each is depurated from the spleen of the controversialist, and both are enlarged into one people.

I speak of the nature of man; I speak of the affections inseparable from that nature. I speak of the great emotions of the heart and decisions of the head, and not of the momentary irritabilities of some nerves in the brain, whilst controversy stings for the hour, and for the hour only, unless a proscriptive law shall make the idle sensation eternal.

I apply to the present state of religion in Europe, and I deny that men act as religious combinations, except where they are interdicted. How do we ourselves? How do Pro-

testants act? Do we vote, for instance, as a religious combination, under the direction of the parson; or as a political combination for political interest; or a private combination for our own? How do Presbyterians act? Do they vote as religious combinations at the Presbyter's beck, or for the Presbyterian candidate against their own landlord and their own interest?

In other countries, America, do Catholics and Protestants, or Protestant and Catholic there act as religious combinations under the distinct banner of priest or parson, or as a solid combined mass of people? Is not her infancy competent to instruct our age on this subject, and give us simple but august and exalted instruction of morality, policy, and wisdom? France, does she act as a religious combination; or are her Catholics and Protestants arrayed as distant clans of religionists? How do modern Protestants in England act? How do they act on the subject, of religion? A bill, in 1775, passed the Parliament of Great Britain establishing Popery in Canada. How did a Protestant majority, how did Protestant bishops vote; as a religious or a political combination? — they voted for the bill, for the ministry, for the Popish religion. How have you acted lately? A viceroy Catholically affected and Catholically connected*, is placed in the government. How do placemen, how do bishops act? They see his family, a very ancient and most respectable one, proceed to the mass. Are Protestants revolted? Do they withdraw their support; do the bishops resist them; does the courtier desert them; do they act as a religious or a political combination? They vote for the viceroy, for the minister, for their office. Let us come to the particulars of some part of this code; see whether the obstacle to conformity is not in the law, that law, for instance, that will not allow a Roman Catholic to hold a commission in the army. What! does it not forbid an opportunity of associating with the Protestant, and forbid a mild, but compulsory, means of conformity? It is the mass more than the chaplain. What can we say against admitting the Catholic officer when we admit the Catholic multitude? That Catholic numbers, who from their pay can have no temptations, and from their education no information, and who are precisely that description of Catholics at whose arms you revolt, may with safety, and have been with great use, admitted among your troops, and a Catholic gentleman cannot be trusted with a commission. Am I to understand that if Catholic officers were intermingled with Protestants they would model the regiment, and then with the assistance of

* Marquis of Buckingham.

of Catholic lawyers, shutting up the courts of justice, by which the latter live, levy war against the British empire. In the same way the law preventing Catholics from coming to the bar, is another provision against conformity; a provision against association with Protestants. The Temple, the fraternity of the club and the bar are more likely to produce conformity than the closet. You have tried the force of study to convert mankind; try the pleasures of the table; try personal intercourse, mere human means much more gross, but perhaps more efficacious. In the same way are our laws respecting education, so many provisions against conformity; they exclude the Catholic, in his docile years, from our society and our information, and enact that they from their earliest infancy shall live and learn only from one another. We send them and punish them for being sent to foreign and Catholic countries to imbibe the principles of religion and politics; and then we make the prejudice of their education a reason for the continuation of their proscription, proceeding in a succession from cause to consequence, and from consequence to cause.

One defect in this bill is, that it does not open the university. By virtue of this exclusion you prevent any man from the practice of physic, unless he gets his degree in some other university: here again your laws deprive the state of another opportunity of conformity by personal intercourse, and endeavour to deprive yourselves of health by the advantage of his science and medicine; just so are the laws respecting marriage so many provisions against conformity, and a code for the preservation of their claims; no association by mixture of kindred; no oblivion of title by intermixture of family: such part of our laws are formed to perpetuate casts, and to ordain Catholic blindness, and preserve exclusive Catholic clan and association. I disapprove much of that part of the bill which leaves intermarriage subject to disfranchisement: you at once legalize, and you punish the connection: you encourage and you deter, and you make yourselves the object of your severity, and diminish the base of your own strength, and turn your prejudices against your own power and precedence.

I conclude this part of the subject by observing that the privileges we speak of do not give to the Catholic the power to subvert the establishment, neither do they leave the disposition. They resort to personal intercourse as a means of political conformity; they employ political intercourse as a further means of that conformity; and they give a common interest by law, to men who have a common interest by nature.

Another objection has been advanced against the repeal, an objection founded on their imputed character; but character is

no delinquency, much less the character which the interdicting sect gives of the interdicted. You do not disqualify the Tories, because they are arbitrary; nor Methodists, because they are mad; nor courtiers, because they are servile. If imputed character was delinquency, the sword of the conqueror, the acrimony of the sectarian, and the tales of the nurse, would be the measures of your justice, and the laws of your country. The charge against the character of the Catholic resolves itself into two heads, a supposed predilection to arbitrary government, and a supposed idolatrous veneration towards their spiritual pastors. As to the first, Magna Charta is the answer. As to the latter, their present proceedings in Ireland, and the proceedings of other Catholics, are an answer. It is true, the clergy have generally greater influence where the flock is interdicted, and the spiritual guide is, by that interdiction, made the political head and leader of a party. But I forget; on this part of the subject we are silenced. Can we, who have enacted darkness by act of Parliament, reproach the Catholics with a want of light? We have forbidden their education; we are responsible for their ignorance. However ignorant some may suppose them, we must allow there are among them some who can write, and we may suppose, therefore, there are some who can read. Let us take care how we press this part of the subject, lest the character which we give of the Catholic, the English should extend to the Irish in general, and give to both that degrading description which we give of one another. This objection is, however, strengthened, we are told, by the present publications and passions of the Catholics of Ireland. Let me trace the history of those passions and publications; the first cause and origin was THE AMERICAN WAR.

America complained that she was bound and taxed without her consent; the Catholic complains that he is taxed without his consent. America said, a people taxed without their consent were slaves; the Catholic says, a people taxed without their consent are slaves. The friends of American liberty said, taxation and representation are inseparable; God has joined them; no British Parliament can represent them. They applauded the passion as well as the principle; "3,000,000 of men dead to all sense of liberty, would be fit instruments for enslaving England," were the words of Lord Chatham. America has resisted. "I rejoice," says he, "that America has resisted;" but on this dispute the fiercest champion was Ireland. In 1785, do you remember your discourses on the subject of the court addresses? The best argument in favour of the Catholic claims is the defence by Ireland, and particularly by the Presbyterians of Ireland in favour of America. How did you at that time crush

shivers the little pretences of monopoly, and the frivolous pretences about the act of navigation, and so vile a peddling argument as the policy of empire advanced against the eternal truth and original justice that clothed the half-naked American, when he stood invincible on his great maxim! The next occasion was your own Revolution *; in your own case you had an opportunity of displaying yourself on this principle, and of exposing that ridiculous imposition, that would affect to set up civil liberty in compensation for the loss of political. You showed the Habeas Corpus, trial by jury, rights of property, and rights of persons, were nothing if they depended on laws, in the making or repealing of which you might have no kind of concern.

You instanced several examples in the commercial restrictions on Irish trade, and, therefore, you pronounced no civil, unless there is political, freedom. The Catholic listened and believed; he caught the fire from your own lips, and now approached you with your triumphant disquisition; it is an embarrassment, but an embarrassment which you must have foreseen with certainty, and you will govern, no doubt, with prudence; whatever you do, it is my humble wish that it may turn to the good of all, and your own in particular.

I conclude this part of the subject, by saying, as broadly and unconditionally as words can import, that the progressive adoption of the Roman Catholics does not surrender, but ascertains the Protestant ascendancy, or that it does not give the Catholic the power to shake the establishment of your constitution in church or state, or property, neither does it leave him the disposition; it gives him immunities, and it makes Catholic privileges Protestant power. I repeat the idea; and never did any more decide my head or my heart, my sense of public justice and of public utility. I repeat the idea, that the interdict makes you two sects, and its progressive repeal makes you one people; placing you at head of that people for ever, instead of being a sect for ever without a people, equal, perhaps, to coerce the Catholic, but obnoxious, both you and the Catholic, to be coerced by any other power. The minister, if he wishes to enslave, or the enemy, if he wishes to invade you; an ill-assured settlement, unprepared to withstand those great diseases which are inseparable from the condition of nations, and may finally consume you; and, in the mean time, subject to those intermitting fevers and panics, which shake, by fits, your public weal, and enfeeble all your determinations.

I have, on this occasion, submitted my genuine sentiments;

* That of 1782.

if they differ from yours, I lament it, and appeal to the wisdom of the next generation from the errors of their fathers.

If they differ from those of some of my own constituents, I lament it also, for I love them and revere them; but this is a question vital to you and to the Catholics in the present and everlasting condition of both. I cannot, therefore, capitulate with any errors, founded, however, as they may be, on the best motives. You think what I say is novelty; another age will think it plain and humble truth. I sit down re-asserting my sentiments, which are, that the removal of all disabilities is necessary to make the Catholic a freeman, and the Protestant a people.

The House then resolved itself into a committee on the bill, Lord Delvin in the chair.

REJECTION OF THE CATHOLIC PETITION.

MR. DAVID LATOUCHE MOVES THAT THE ROMAN CATHOLIC PETITION BE REJECTED.

February 20. 1792.

ON the 18th, Mr. Egan had presented to the House a petition from certain Roman Catholics, which was as follows:

"The petition of the undersigned Roman Catholics, on behalf of themselves and the Roman Catholics of Ireland,

"Humbly sheweth,

"That as the House has thought it expedient to direct their attention to the situation of the Roman Catholics of Ireland, and to a further relaxation of the penal statutes still subsisting against them, they beg leave, with all humility, to come before the House with the most heartfelt assurance of the wisdom and justice of Parliament, which is at all times desirous most graciously to attend to the petitions of the people; they therefore humbly presume to submit to the House their entreaty, that they should take into their consideration, whether the removal of some of the civil incapacities under which they labour, and the restoration of the petitioners to some share in the elective franchise, which they enjoyed long after the Revolution, will not tend to strengthen the Protestant state, add new vigour to industry, and afford protection and happiness to the Catholics of Ireland; that the petitioners refer, with confidence, to their conduct for a century past, to prove their uniform loyalty and submission to the laws, and to corroborate their solemn declaration, that if they obtain, from the justice and benignity of Parliament, such relaxation from certain incapacities, and a participation in that franchise which will raise them to the rank of freemen, their gratitude must be proportioned to the benefit; and that enjoying some share in the happy con-

stitution of Ireland, they will exert themselves with additional zeal in its conservation."

The petition was received and read, and it was ordered that it do lie on the table.

On this day (the 20th), Mr. David Latouche moved, "That this petition, which had been presented to the House, and received on the 18th, should be read by the clerk." It was signed by Edward Byrne, and others, on the part of themselves and the Roman Catholics of Ireland. Mr. Latouche then said, that if its prayer was conceded, it would affect our establishments in church and state. He therefore moved, that it be rejected. He was seconded by Mr. Ogle.

The motion was supported by Sir John Blaquiere, General Conyngham, Sir James Cotter, Sir Boyle Roche, Mr. Brownlow, Mr. Cuffe, Mr. Barrington, Mr. M. Beresford, Mr. Bushe, Mr. Hobart, Mr. Brabazon Ponsonby, Mr. George Ponsonby, the Attorney-general (Wolfe), and the Solicitor-general (Toler). Their objections to the petition went chiefly to this one point, that it was a demand of the rights of elective franchise, which it would be imprudent and impolitic to grant.

The motion was opposed by Sir Thomas Osborne, Sir Edward Newenham, Mr. Westby, Mr. Browne, Mr. Forbes, Mr. Egan, Mr. Francis Hutchinson, Sir Hercules Langrishe, Mr. Michael Smith, Mr. Graydon, Mr. Curran, Mr. Hardy, Colonel Hutchinson, and Mr. John O'Neill. They stated, that the petition had been already received; it had been then fully and fairly read, and was respectful and decorous: that it was a free and constitutional exercise of the subject's right; and that to reject such a petition, which did not infringe or offend the rules or privileges of the House, would be a departure from parliamentary usage: that if any question was to be put on the subject, it should be more consonant to the dignity and order of their proceedings to refer the petition to a committee, instead of rejecting it without investigation: the mode proposed was an insult to a wealthy and respectable body of men, one of whom (Mr. Byrne) alone paid 100,000*l.* a-year duty to His Majesty's revenue: that it would appear inconsistent at one moment to reject the petition, and the next moment to pass a bill, granting a considerable part of its prayer. It was also observed, that, as to the grant of the elective franchise, this might be done with perfect safety; for the Catholics had enjoyed that right long after the Revolution, and its concession at present would be expedient and salutary.

Mr. GRATTAN said: I find myself under difficulty to express how much I regard the mover, and condemn the motion: It is a measure as strong and as violent as any ever, perhaps, propounded in Parliament. You are to reject a petition, which you have received already, decorous in its manner, regular in its introduction, and respectable from its signature. You reject it, because it comes from the great body of the Roman Catholics, and applies, on behalf of that

body, for some small share of freedom. Thus, you are not only to refuse, but extinguish the principle; you are not only to disappoint, but insult the petitioner. You put the rejection on grounds which, you know, are fictitious. You say this House must answer the petition. Then I am to understand, every petition with which you do not comply, you are to reject by way of answer. There is a petition now before you, touching the improvement of the brewery, which you have not rejected nor complied with. The petitions, last year, against the police, (of all the corporations of Dublin;) did you reject them? did you comply with them?

But there is another petition on your table; a petition from the capital of Ulster,—a petition from the most rising, spirited, and commercial town in the kingdom, Belfast,—that goes infinitely farther than the Roman Catholic, in their prayer for indulgences. This petition, on a division, you received. The humble petition of the Catholic you reject; or is it proposed, in order to preserve consistency, to reject the Belfast petition as well as the Catholic, and thus commit a violence on the Protestant as well as the Catholic subject: on the first, for desiring freedom for his fellow-citizen; and on the last, for desiring it for himself.

The English Parliament, in its inveteracy towards the Americans, did not go this length. They did not reject the petitions of the Americans. There were some members who did, indeed, talk as you have done, with respect to the persons of the Americans. They derided Hancock and his *crew*, or Adams and his crew, as some here have derided Mr. Byrne and his associates. I was concerned and ashamed to hear certain observations on the names and conditions of the petitioners, and more concerned to find such observations received and echoed, by the other side of the House, with applause and triumph. The first name to that petition is one of the first merchants in Ireland. His credit would go farther than the character of most of our courtier placemen. The others, who have been outraged, are men of property, of respectability, of honest and useful application, to extend your trade, for the exercise of which they are now the subject of your derision. What Catholic in this country will ever be a merchant, or what merchant a petitioner, if he is to undergo this fiery ordeal, and to be the subject of scorn in the Commons, because he has been an instrument and promoter of commerce? It is not so in England. I do not hear that the great merchants there are lightly treated or outraged by the ministerial part of the House of Commons in England; that Mr. Thornton and Mr. Long have been a subject of

disrespect. I do not remember to have read that Alderman Beckford, or Sir John Barnard, met with any such treatment; and yet it is much more improper in the case of the merchants subscribing the petition, because they are not present nor *represented*, and therefore are not protected, and, in a peculiar manner, entitled to your liberality. A right honourable member (Mr. Hobart), high in confidence, from whose quarter of the House this intemperate disrespect and noise proceeded, has informed you that the petition was conceived with a view to defeat the bill. Sir, the right honourable member is wholly unfounded in the charge; and he ought to be particularly cautious to avoid reflections on the people of this country. It is not the province of a Lord-lieutenant's secretary to make animadversions prejudicial to the reputation even of the Roman Catholics of this country. They, too, are subjects to be defended against insinuations, as well as injuries and outrage. I therefore feel myself under the necessity of observing on the right honourable member, so far as to say, that his charge was highly improper, and entirely unfounded; and I must further add, that whenever any assault is made on the character of the commercial part of this country by a cry even in this House, I will not be wanting to rebuke such levity.

The matter of the petition has been misrepresented, as well as the character of the petitioners. It has been stated, that it is an application to establish a Catholic Parliament. Sir, it is an application to be permitted to vote at elections, and not to sit in Parliament; and it is an application for such a share of that elective franchise as shall bear no proportion to yours; and, therefore, it is an application for some share of the blessings of the constitution, under the Protestant ascendancy, not in opposition to it. Calculate, condescend to reckon, what would be the number of the Protestant and Catholic voters, if that share, in the proportion desired, was granted, and you will find the result to be the opposite to your conclusion; you will find that the proportion of suffrage is out of all comparison greater than the Catholic; that is, you will find Protestant ascendancy preserved, and Catholic freedom permitted; or, in other words, you will find their liberty is your strength, and you will find you are not afraid of losing your constitutional power, but of adding to it; that your panic does not suffer your understanding to perceive your own weakness, or provide for your own strength: just as your property in land is better secured by their share of property in land, so your property in the constitution is better secured by their share of property in the constitution.

This very principle, which is the principle of their petition, is the preamble of your own law; whereas it must tend to the prosperity of this kingdom to admit subjects of every denomination, — into what? a share in the blessings of our free constitution. In fine, does it not depend upon you what share they shall have, and may not you secure your own proportion of power, and their proportion of freedom? But it is said, if they have any share, however small, in the constitution, they will get at last the ascendancy. What proof is there offered of this? What proof attempted? None; mere assertion; the assertion of panic. And if it has any meaning at all, except panic and weakness, it means, that if you give the Catholics a share in the blessings of your constitution, they will, by that intermixture, assimilate to you; that is, they will be in politics Protestant, and then you yourselves may perhaps be inclined to go further.

It is not always possible to refute objections by example as well as reason; but the objection now under consideration is refuted by both. The experiment has been made, whether giving the elective franchise is tantamount to giving them seats in Parliament; they had that elective right near half a century after the Revolution; they had it in the Parliament that sat in the reign of William; they had it in the Parliament that sat in the reign of Anne; they had it in the Parliament that sat in the reign of George I.; and they had it in the Parliament that sat in the reign of George II. The first Parliament that sat in Ireland since the Revolution in which the Roman Catholics had not the elective franchise, was the first of the present reign. It follows from this example, that the elective franchise, so far from securing to them the right of sitting in Parliament, was not able to secure the right of voting at elections; they lost that right in the commencement of George II.'s reign, after having possessed it for 37 years since the Revolution; from hence I conclude, that you are more alarmed than you need be, and that if the time was ripe for it, you might so qualify that franchise; or, in the words of your own act of Parliament, give them a share in the blessings of the constitution with much safety, and much strength to the Protestant ascendancy. If the principle I uphold is erroneous, it is the error and the precise expression in the preamble of your act of Parliament.

A right honourable gentleman has said, that a man is not therefore a slave, because he has not a vote. It is true; a man who has no property to be taxed is not a slave, when property is taxed without his consent, because he is not taxed; but the Catholic who has property is taxed, and then the argument of the member is, that a Catholic, though taxed

without his consent, and a Protestant not taxed at all are alike; that the Catholic body are in the situation of that Protestant who has neither lands, tenements, or hereditaments, and therefore free.

The Revolution has been much insisted on, and much misunderstood. Gentlemen speak of the Revolution as the measure and limit of our liberty. The Revolution in Ireland was followed by two events, the loss of trade, and the loss of freedom to the Protestant; and the cause of such losses was our religious animosity. It was not attended by the loss of the elective franchise to the Papist. If, then, the Revolution is the common measure of the condition of both sects, two extraordinary results would follow, — that the Protestants should not recover their trade or freedom, and that the Catholics should not lose their franchise; but the virtue of the Revolution in Ireland was its principles, which were for a century checked in this country, but which did at last exert themselves, and inspire you to re-establish your liberty, and must at last prompt you to communicate a share of that liberty to the rest of the Irish. The Revolution in Ireland, properly understood, is a great and salient principle of freedom; as misunderstood, it is a measure and entail of bondage.

The part of the subject which I shall now press upon you, is the final and eternal doom to which some gentlemen propose to condemn the Catholic. Some have said they must never get the elective franchise. What! never be free? 3,000,000 of your people condemned by their fellow-subjects to an everlasting slavery in all changes of time, decay of prejudice, increase of knowledge, the fall of Papal power, and the establishment of philosophic and moral ascendancy in its place. Never be free! Do you mean to tell the Roman Catholic, it is in vain you take oaths and declarations of allegiance; it would be in vain even to renounce the spiritual power of the Pope, and become like any other dissenter? It will make no difference as to your emancipation. Go to France; go to America; carry your property, industry, manufactures, and family to a land of liberty; this is a sentence which requires the power of a God, and the malignity of a demon; you are not competent to pronounce it; believe me, you may as well plant your foot on the earth, and hope by that resistance to stop the diurnal revolution, which advances you to that morning sun which is to shine alike on the Protestant and the Catholic, as you can hope to arrest the progress of that other light, reason and justice, which approach to liberate the Catholic and liberalize the Protestant. Even now, the question is on its way, and making its destined and irresistible progress, which you, with all your authority, will have no power to

resist; no more than any other great truth, or any great ordinance of nature, or any law of motion which mankind is free to contemplate, but cannot resist. There is a justice linked to their cause, and a truth that sets off their application.

This debate is a proof of it. Scarce had gentlemen declared the franchise never should be given, when they acknowledge it must, but in such time as the Catholic mind is prepared; then we are agreed, that Catholics may, with safety to the Protestant ascendancy, be admitted to the right of voting, provided they are enlightened Catholics, and we must of course, by that argument, admit that such Catholics as are now enlightened, may with safety be now admitted. Thus in the course of two nights debate, have the two great arguments for their exclusion been surrendered, danger to the Revolution and to the ascendancy. It is their ignorance, you now say, not their religion, which is dangerous, and thus the question becomes a point of moral capacity, not of religion; whether, for instance, Catholics of property are in as fit a state of moral capacity to exercise the right of franchise, as a forty-shilling freeholder. You have in the course of this night, defended the Protestant ascendancy, a Protestant King, a Protestant church, a Protestant Parliament, and a Protestant constituency; here you draw your lines of circumvallation, but you demolish this work, and defile this definition, when you allow that hereafter that constituency, when well instructed, may in some proportion be Catholic. The Protestant ascendancy, then, by your own admission, does not require a constituency, purely Protestant, but compounded of such men as are civilized substantial freeholders. By the constitution of this country, land should be represented; the land, therefore, should be in the hands of a Protestant constituency. If, then, your definition is true in its principle, it must be extended, and you must say, that the Protestant ascendancy requires that all the land, as well as all the votes, should be Protestant; and this principle will extend to commerce; and then you must say, that the Protestant ascendancy requires that all the commerce, as well as all the land and all the votes, should be in the possession of Protestants, until at last you sweep the Catholics off the face of the island. The idea of this definition would rest the Protestant state on a sect, not on a people; that is, it would make its base narrow, in order to make its head secure; a small foundation, and a great superstructure; Protestant monopoly, distinct from, and fatal to, Protestant ascendancy.

You have already permitted the Catholics to purchase land; they are now the numbers, and by your law *they may* be a con-

sidérable portion of landed property; your prudence then would provide, that this union of numbers and landed property, shall have no interest in Protestant freedom, and thus you do for the better assuring and preserving the same; you see we adopt names which we do not understand, and set them against things which we might understand. We set up the name of Protestant ascendancy against Protestant power, just as we set up the name of the Revolution against the Protestant freedom. The church has not been forgotten any more than the state, and it has been insisted, that if the Catholics get freedom, they will exercise it to substitute the establishment of their religion in the place of ours. The example of the Presbyterians refutes that argument; they are the majority of Protestants, and they have not destroyed our church establishment. But the argument in its principle is erroneous. Men cannot be free without suffrage, but men may be free without church establishment; and therefore they may be satisfied with the possession of the one, and not dissatisfied without the possession of the other. I have given my sentiments on this the other night. I see no reason to change them. I am not for precipitating any measure, but, loving you as I do, I have thought it necessary to lay before you the whole of your situation, and to resist that tide of error which carries away all recollection. I have given my reasons; hereafter your mind will open; and we shall unite Protestant power with Catholic freedom.

The House then divided on the question, that the petition be rejected; — Ayes 208, Noes 25; Majority 183. Tellers for the Ayes, Mr. David Latouche and Mr. George Ogle; for the Noes, Mr. Forbes and Colonel Hutchinson.

Mr. Latouche then moved, "That the Protestant petition, from the town of Belfast, in favour of the Roman Catholics, be now rejected, which was likewise carried."

FIRE IN THE HOUSE OF COMMONS.

March 1. 1792.

ON the 27th of February, when the House was in committee on the spirit-regulation bill, the building caught fire, and, notwithstanding every exertion, this beautiful edifice was burned to the ground. Sir E. Pierce was the original architect; but dying before its completion, the work was continued under the superintendance of Mr. Burgh, Surveyor-general, and was finished in 1731. It was remarkable for the beauty of its architecture.

The members assembled in a large room at the west end of the building, which was fitted up for the occasion; and on this day (1st), the Speaker informed the House, that, notwithstanding the dreadful accident which had happened, none of the records or journals of the House were destroyed. He bore testimony to the great exertions of the Lord Mayor and Sheriffs, and of the gentlemen of the college.

Mr. GRATTAN said: I am happy at the favourable sense the House entertain of the good conduct of the gentlemen of the university, and I hope this sense will not end in mere approbation. I hope they will be restored to what I shall not call a right, but what certainly was a very ancient indulgence they had enjoyed, that of admission to the gallery under proper regulations. This indulgence may be subject to the abuse of temporary licence, but under the observation and control of the House, and the vigilance of the Speaker, any temporary excesses, must be speedily suppressed.

Major Hobart stated, that if indiscriminate admission was granted to the students of the university, the citizens of Dublin would be excluded.

Mr. GRATTAN said: A right honourable gentleman (Major Hobart,) was mistaken in point of fact, when he asserted that the regulation which excluded the students, tended to accommodate the citizens. The truth is, that by that regulation the citizens as well as the students are excluded; for by it they are obliged to wait for hours in the avenues of the House, in order to beg a disengaged member to introduce them. Hence it is, that on some late very important questions, the gallery was empty. The public did not think the abilities of gentlemen so very captivating, as to undergo a harassing attendance of hours to hear their display; the regulation in fact went to exclude, not to accommodate, the public. As to any inconvenience that may result from admitting the gentlemen of the college, it is an indulgence they had long enjoyed before the present Speaker came to the chair; and though they might sometimes have been guilty of impropriety, that impropriety was immediately checked by the admonition of the House, and no material inconvenience was experienced. At present I think there is very good reason for again indulging those gentlemen. The chair will please to recollect, that the general sense of the House has approved of their conduct, and I hope that approbation will not be coupled with an interdict against them; the chair I am confident, has too just a sense of its own dignity, to submit to a mandatory suggestion from any gentlemen on either side of the House.

The Speaker expressed his wishes to admit the members of the university, and said he would take every means to accommodate them; but that it should be left to his own discretion.

SPIRITUOUS LIQUORS.

March 5. 1792.

ON this day the House went into a committee on the subject of the distilleries, and the regulations for encouraging the breweries, Mr. Townsend in the chair. Mr. John Beresford maintained, that the plan adopted of late had been attended with the desired success, and that the breweries had greatly increased. He concluded by moving the following resolutions:

"Resolved, That it appears to this committee, that the quantity of home-brewed and imported malt liquor, consumed within the three quarters, ending Christmas, 1791, exceeded the consumption of the three quarters, ending Christmas, 1790, by 57,534 barrels.

"That the quantity of spirits consumed in the three quarters, ending Christmas, 1790, exceeded the consumption of the three quarters, ending Christmas, 1791, by 322,503 gallons.

"That the consumption of malt liquor having so much increased in those periods, and that of spirituous liquors so much diminished, the regulations have been effectual."

On the first resolution being put,

Mr. GRATTAN said: the last resolution is fallacious; it says that the consumption of spirit has diminished, and that of malt liquor increased, and that for so much the purposes of the regulations have had the desired effect. Now the decrease of the consumption of spirit has been almost entirely confined to the foreign spirit, and that decrease has proceeded from high price, not from regulation; and high price being temporary the decrease will be temporary, and not, as your resolution would suggest, the steady effect of law. That part of the resolution which relates to malt is also fallacious, for the increase of the consumption of malt liquor has been principally the increase of imported beer, and this was not the object of your regulation, but the contrary, for one of the professed objects was the home brewery, and not its rival, the brewery of England. The resolution is a *non sequitur*; it attempts to attribute to regulations what notoriously proceeds from other causes; it is, therefore, a fallacious resolution, calculated for the purpose of deceiving the public, who have been taxed about 400,000*l.* a-year by these regulations, and who have

gotten nothing by them, except an increase of home-brewed beer, somewhat less than a ninth, and a decrease of whiskey, somewhat less than a three and twentieth part. A right honourable gentleman has endeavoured to persuade you that the brewery has received decisive advantages, and that it ought to flourish, though it does not. He says, in the last twenty years, the brewery has received an abatement of duty to the amount of seven-pence a barrel, and the distillery an increase of duty to the amount of ten-pence. This fact is unquestionable: it is his conclusions which are erroneous. He concludes, that, therefore, the brewery cannot be prejudiced by the nature of the taxes; if he had said by the quantity, he might have had some colour, but it does not follow, that, though the quantity of tax should be light, the nature of them should not be heavy. Suppose the smallest tax on a manufacture, but that the manufacture, for the purpose of collection of tax, was subject to be visited by excise officers; that in the process of making that manufacture Parliament had interfered, under the direction of the excise officers or the commissioners, and had prescribed the quantity of each material without any reference to their quality, and annexed a certain price without any reference to the fines, and had adopted various other regulations as to the kind and quality of the manufacture. Here a manufacture might be, and probably would be destroyed, not by the weight of tax, but by the presumption, ignorance, and folly of regulation; therefore, instead of concluding, as he has done, that the decline of the brewery cannot proceed from the nature of taxes, he should have concluded, that as it did not appear to have declined from the quantity of tax, it probably had declined from the nature of the regulation. His next position is, that the decline has not proceeded from the advantages of the English brewer, because the English brewer, he states, to have seven shillings the barrel against him. The importation of English beer is annually increasing, and that even since your last regulation; what follows from the two points made by the right honourable gentleman, that the decline of the brewery has not proceeded from a want of protection? He says, it has a protection of seven shillings per barrel, that it has not proceeded from a distaste to malt, for it is imported copiously, and that it does not proceed from the tax overwhelming it with a weight of duties. Whence then can this decline proceed but from himself; from those very regulations which attempted to enact a receipt for making beer, wherein the officers of the revenue write a receipt for the brewers, and then get Parliament to inscribe this nostrum into a law, and afterwards make the brewer swear to it.

The right honourable gentleman who rose to support his right honourable friend with the answer to a bill in equity, is a new evidence against the right honourable gentleman's regulations; for he tells you, that the brewer may make forty-five per cent. on his capital. Here is then a proof that it is not the discouraging nature of the trade that has caused its decline. One gentleman tells us the brewer may make forty-five per cent. on his capital. The right honourable member himself tells you, that it is not the weight of duty; and the same gentleman tells you, that is not the want of protection; and they all tell, and the accounts tell you, that the brewery has, in the course of thirty years, declined above one-third, though almost every other manufacture in this country has greatly increased; to what then can this decline be attributed, but to the interference of Parliament; to that meddling mischief, which, instead of leaving trade free, makes receipts for the carrying it on. The right honourable member has said, that the trade had declined before he undertook its care, and, therefore, he infers that the continuation and growth of its decline are not due to his medicines. The brewery had declined certainly; when he interfered he found a manufacture in a sickly state: what had been the natural cure? It was loaded with two excises, hereditary and additional; it were natural to take off those excises, and try whether leaving it free, would not re-establish its health. But what was his remedy? He loads it with further restrictions, and regulations, and divisions, and oaths, and then he wonders that a trade, so loaded with excises and restrictions, and regulations added to those excises, has not revived.

The right honourable gentleman has given an account of the effect of those restrictions: hear what it is. The great evil was, says he, that the Irish brewer made weak liquor; his remedy was to ascertain the price, below which no ale or beer should be sold, and also to ascertain the quantity of malt and hops, which at all times, and without reference to the quality of either, should be used in the brewery. He now states to you the effect of his regulation. The brewers in order to evade his law, used, says he, bad malt and hops, quantity-malt and pig-hops; thus by his own acknowledgement and his own evidence, the effect of his regulation was mischievous; it was to corrupt the malt liquor of the country, and make the beer and ale not strong, but abominable. He states also, the effect of his regulation, regarding the price; he had increased the price five-shillings a barrel, which he calculates at 100,000*l.* a-year additional charge on the consumer, which, in the course of many years, he says amounts to above a million, near two

taken out of the pocket of the public in consequence of his regulation, and which he acknowledges produced an abominable malt liquor, made of quantity-malt and pig-hops. There then is the effect of his plan, as described by himself, bad liquor, and a tax on the consumer of 100,000*l.* The effect of the law is thrown by him on the brewers, who are said to have evaded it; that is, you make a regulation, raising the price of manufacture, on a presumption that you can by restrictions improve its quality. Your restrictions make its quality worse, and raise its price, and then you say it is the evasion of the regulation that produces the evil, and raises the price, whereas, you ought to say, it is the folly of interfering, and the mischief of imposing an additional tax of 100,000*l.* a-year on the consumer, on a vain and unfounded confidence that your interference cannot be evaded.

In further proof of the mischief of these regulations, what has the right honourable gentleman said? The brewery, says he, has benefited by the regulations of the last year. What were those regulations? The repeal of part of his own regulations; so that, stating the advantage derived from the present system is pronouncing the condemnation of the past. The taking off those restrictions has done some good, though that is not much; and it is, therefore, I say, you ought to pursue the idea and remove *them all.* The right honourable gentleman says, what he wants is, that Parliament should by some law make the brewers *brew good drink.* Sir, that interference is the thing that will prevent it; because the brewer, like every other manufacturer, should be perfectly free, unrestrained as to the kind of manufacture he shall make, unrestrained as to the quantity, and unvisited by the exciseman. I would take off the hereditary excise, and, instead thereof, lay a moderate duty on the malt; the effect of which I shall just now show you. Other manufacturers are not excised; nor is the linen manufacture restricted in the quantity of linen the manufacturer shall make, nor confined to one kind, nor is he visited by the exciseman.

The right honourable gentleman has stated the benefits arising to this country from the increase of her distillery; I think he has said 80,000*l.* a-year has been saved by the diminished consumption of foreign spirits, and 180,000 additional barrels of barley consumed has been added to the tillage of the country by its increase. He has also said, that the increased consumption of the home spirit is in a great proportion apparent, as great quantities were consumed before, that paid no duty, which now appear to be excised. It follows, then, from his own statement, that all advantage to the farmer, from the increase

of the distillery, is not real, and that a great deduction must be made from his 180,000 barrels of barley. He has stated, the savings of 80,000*l.* on a supposition that more foreign spirits have not been run into this country since the increase of the duties in the course of several years past, which is a fact I doubt very much. However, let us take it for granted, that the growth of the distillery has saved you 80,000*l.* a-year by diminishing the consumption of foreign spirit, and has added 180,000*l.* to your consumption of barley; but let us suppose that the brewery had increased in the proportion of the distillery, and then see your advantages. The distillery appears to have increased near fourfold in the last thirty years. Had the brewery done so first, you would have saved from 200,000*l.* to 250,000*l.* that goes out of this country in English beer; secondly, you have added whatever barley is used therein to the tillage of your own country. The quantity of beer and ale was thirty years ago about 600,000 barrels; suppose that increased fourfold, like the distillery, the consumption of barley, or the encouragement to the farmer, would have increased in the same proportion. We will take a given quantity, suppose half a barrel of beer on an average, you would then have consumed 1,200,000 barrels of barley; that is, you have added not 180,000 but 900,000 barrels to the tillage of the country. But there is another circumstance much stronger, a seventh added to the productive labour of the island. It is under-calculated to estimate the loss of labour in consequence of the consumption of whiskey instead of beer as one-seventh: it is more. How empty, then, and trifling do these advantages, held out from the increased distillation of whiskey, appear, when compared to those solid and infinite advantages to the trade, tillage, comfort, sobriety, industry, and morals of your people. There is another advantage that would have attended this increase, an advantage to revenue. Let me suppose, for a moment, that you had agreed to my proposal of the former session, and had taken off the hereditary excise and all the restrictions, and laid a duty of 5*d.* on malt, you would have given to the brewers an abatement of the tax to the amount of about 17*d.* the barrel, and you would, by this diminution of tax, have raised your revenue. The excise on beer and ale was somewhat about 90,000*l.* The malt-tax last year 147,000*l.*; at 5*d.* per stone, it would be 294,000*l.*, that is, 147,000*l.* added, and 90,000*l.* deducted, on account of the taking off the excise; that is, about 50,000*l.* increase of revenue, by giving the brewery decisive advantages, and by diminution of tax; add to this a saving which might be made by reducing the number of officers.

The number of inland excise officers, appeared, on a return, a year or two ago, to be 840; in 1757, they were 400 only. These 840 officers have, perhaps, 40*l.* a-year salary; but their perquisites are more, perhaps, than double. This will make the collection of the inland excise from 70 to 80,000*l.* a-year, from the expence of these officers, without including various other great expences, and other officers concerned therein. Now, Sir, simplify your collection, and dismiss one half of your officers. You lay half duties, partly a malt-tax and partly an excise; and you have a distinct set of officers for each, that is, you have a double establishment, very convenient to patronage, very inconvenient to the country.

You are told, that the number, great as it is, is insufficient for the present system; and this is made an argument for continuing it. You are told also, that your malt-tax is not well collected, and that you are to prepare for a new host of revenue officers; a decisive argument this for the adoption of my system, which proposes one moderate tax, to be collected by one set of officers, instead of the present system of malt-tax and excise requiring two sets of officers, and which the right honourable gentleman allows to be ill collected by both.

A right honourable gentleman excuses the growth of revenue officers, by the imposition of two taxes, the excise on tabacco, which produced nothing, and the malt-tax, which, while attended with the drawback, produced next to nothing. Thus the two taxes, under which he justifies the increase of the revenue officers, have produced hitherto little else but revenue officers.

Sir, this increase of revenue I have mentioned, would have left the loan precisely as it was when you thought it sufficient, and would have added so much to the ordinary revenue, as to have enabled this House to have taken off a great number of taxes which oppress the poor. If added to the present annual surplus, it would have amounted annually to such a sum as to have enabled you to make an effectual reduction of oppressive taxes; compare this project, I say, with that miserable measure of the last session, which is the subject of your resolution; a measure, which, by your own papers, has diminished the consumption of whiskey only a three-and-twentieth part, and has advanced your breweries only a ninth, after they had declined one-third; and for these splendid advantages has made the public pay 100,000*l.* per annum.

A right honourable gentleman has said, he does not rely on the witnesses, but on the papers; the evidence, says he, is partial; the evidence of the distillers has proved their trade to

be flourishing; and the evidence of the brewers, that were examined to impeach the petition, has not proved the brewery to be in a flourishing state, either by their allegation or resolution; but I agree with the honourable gentleman, and, therefore, propose the following resolutions, extracted from your own accounts; and you can have no other parliamentary ground before you.

"I. Resolved, That it appears to this committee, that, in seven years, from the year 1763 to the year 1770, the total amount of spirits distilled within this kingdom was 4,670,975 gallons.

"II. Resolved, That it appears to this committee, that, within the same period, the total amount of the ale and strong beer brewed within this kingdom was 3,888,347 barrels.

"III. Resolved, That it appears to this committee, that, in the seven years, from 1770 to 1777, there was an increase in the quantity of spirits distilled within this kingdom, amounting to 2,064,165 gallons.

"IV. Resolved, That it appears to this committee, that, within the same period, there was a decrease in the quantity of ale and strong beer brewed in this kingdom of 3,787,582 gallons.

"V. Resolved, That it appears to this committee, that, in the seven years from 1777 to 1784, there was an increase in the quantity of spirits distilled within this kingdom, over that of the preceding seven years, amounting to 3,787,582 gallons.

"VI. Resolved, That it appears to this committee, that, in the same period, there was a decrease in the quantity of beer and ale brewed in this kingdom, amounting to 2,538 barrels.

"VII. Resolved, That it appears to this committee, that, in the seven years from 1784 to 1791, there was an increase in the quantity of spirits distilled within this kingdom, over that of the preceding seven years, amounting to 6,203,691 gallons.

"VIII. Resolved, That it appears to this committee, that, in the same period, there was a decrease in the quantity of ale and strong beer brewed in this kingdom, amounting to 331,679 barrels.

"IX. Resolved, That it appears to this committee, that the quantity of spirits distilled within this kingdom, in seven years, ending 25th March, 1791, is more than three times greater than the quantity distilled in seven years, ending 25th of March, 1770; and that the quantity of ale and strong beer brewed in this kingdom, in seven years, ending the 25th of March, 1791, is more than one-third less than the quantity brewed in seven years, ending the 25th of March, 1770.

"X. Resolved, That the quantity of home-made spirits, in the three quarters ending Christmas, 1790, was - - - - - - BARRELS. 2,297,986

And in the three-quarters, ending Christmas, 1791, was - - - - - - - - 2,202,182

A decrease in corresponding quart gallons (somewhat less than a three-and-twentieth part), 95,802

"XI. Resolved, That the quantity of ale and strong beer brewed in this kingdom, in the three quarters to Christmas, 1790, was	346,838
And three quarters, to Christmas, 1791,	386,838
Increase (or a ninth part),	40,000

"XII. Resolved, That it appears to this committee, that the quantity of spirits distilled within this kingdom, in the last three quarters of a year, to Christmas, 1791, though less than that distilled in the corresponding three quarters, to Christmas, 1790, is nearly equal to the quantity distilled in the whole year 1788, and greater than that distilled in any whole year preceding 1788."

After a few words from Mr. Graydon, Mr. Browne, Mr. Maxwell, and the Chancellor of the Exchequer (Sir J. Parnell), Mr. Beresford's resolutions were agreed to, and Mr. Grattan's resolutions were consequently lost.

END OF THE SECOND VOLUME.

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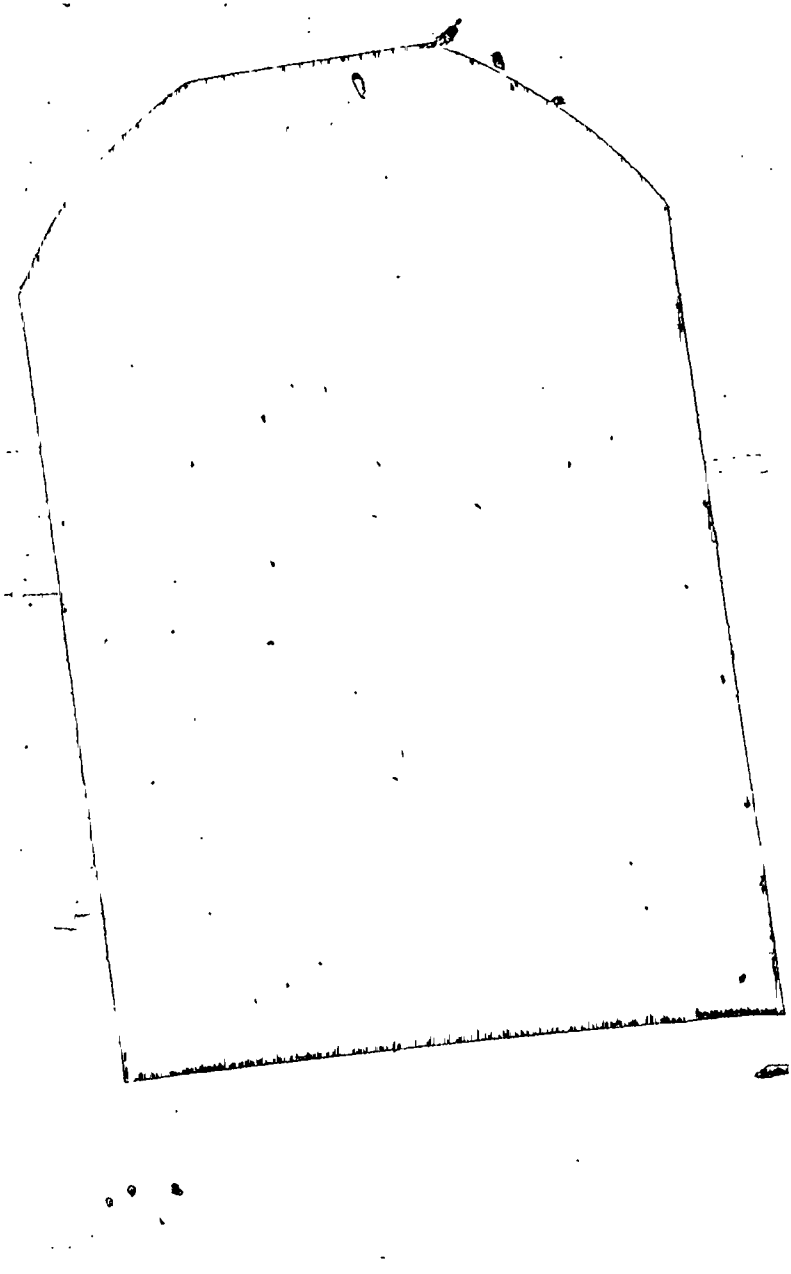

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